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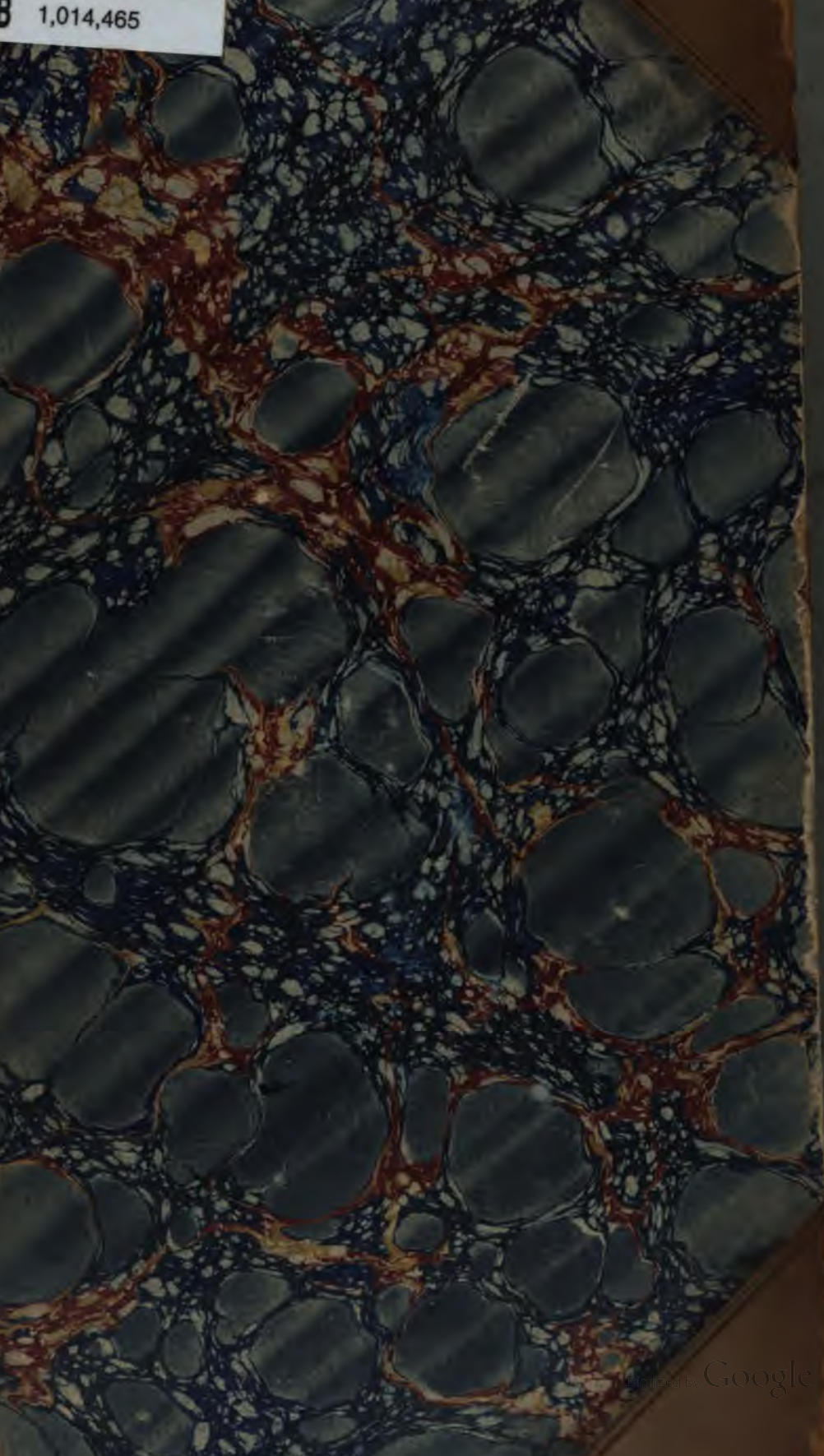
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WILLIAM IV.

44° & 45° VICTORIÆ, 18

VOL. CCLXIV.

COMPRISING THE PERIOD FROM

THE TWENTY-EIGHTH DAY OF JUL

TO

THE FIFTEENTH DAY OF AUGUST

EIGHTH VOLUME OF THE SESSIO

LONDON:

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1881.



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VOLUME CCLXIV.

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CLASS II.—SALARIES AND EXPENSES OF CIVIL DEPARTMENTS.

(1.) Motion made, and Question proposed, "That a sum, not exceeding £17,619, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Charity Commission for England and Wales" .. 200

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After debate,

Moved, "That Mr. Parnell be suspended from the service of the House during the remainder of this day's sitting,"—(*Mr. Gladstone*.)

Question put:—The House *divided*; Ayes 131, Noes 14; Majority 117.
—(*Div. List*, No. 346.)

Question again proposed:—After short debate, *Moved*, "That the Debate be now adjourned,"—(*Mr. Arthur O'Connor*:)—Question put, and *negatived*.

Original Question put:—The House *divided*; Ayes 111, Noes 12; Majority 99.—(*Div. List*, No. 347.)

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To leave out from the word “That” to the end of the Question, in order to add the words “in the opinion of this House, the grant to the Greenwich Hospital Fund should include widows whose husbands contributed to the fund, and merchant seamen now in receipt of the Mercantile Marine Fund Pensions,”—(*Mr. Gourley*),
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SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair :"—

ELECTION PETITIONS AND CORRUPT PRACTICES AT ELECTIONS ACT—KNARESBOROUGH COMMISSION—RESOLUTION—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, having regard to statements of the Royal Commissioners, it is not in accordance with justice nor with the policy of the Act of 31 and 32 Vic. c. 125, that the cost of this inquiry should be borne by the ratepayers of the borough of Knareborough,"—(*Mr. Thomas Collins*),—instead thereof 560

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The House met;—And having gone through the Business on the Paper, without debate—[House adjourned]

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PARLIAMENT—PRIVILEGE—MR. BRADLAUGH—RESOLUTION—

Moved, "That, in the opinion of this House, the Resolution of the House passed 10th May last, 'That the Serjeant at Arms do remove Mr. Bradlaugh from the House, until he shall engage not further to disturb the proceedings of the House,' meant that Mr. Bradlaugh should not come within the outer door of this Chamber, and did not give any power to the Serjeant at Arms to hinder him from entering and remaining in all or any other portions of this edifice, and that therefore the Serjeant at Arms and the Officers of the House acting under him, in excluding Mr. Bradlaugh from such other portions of the edifice, acted without the authority of this House, and in so doing interfered with the privileges inherent in Membership of this House, and from which no Member can be deprived without a Resolution of this House to that effect,"—(*Mr. Labouchere*) 695

After debate, Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House approves the action of Mr. Speaker and of the Officers of this House acting under his orders,"—(*Sir Henry Holland*.)

Question proposed, "That the words proposed to be left out stand part of the Question :"—After further short debate, Question put :—The House *divided*; Ayes 7, Noes 191; Majority 184.—(*Div. List, No. 351.*)

Question proposed, "That the words 'this House approves the action of Mr. Speaker and of the officers of this House acting under his orders' be there added :"—After short debate, Question put, and *agreed to*.

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NAVY (CADETS)—RESOLUTION—Amendment proposed,

To leave out from the word “ That ” to the end of the Question, in order to add the words “ in the opinion of this House, Naval Cadets should be appointed at a more advanced age, and that if they are chosen by competitive examination such competition should be open and not limited for the purposes of patronage,”—(*Mr. Forst.*)—instead thereof

720

Question proposed, “ That the words proposed to be left out stand part of the Question : ”—After short debate, Amendment, by leave, *withdrawn*.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—PRISONERS ARRESTED UNDER THE ACT—Observations, Mr. Arthur O'Connor ; Reply, Mr. W. E. Forster :—Short debate thereon

732

Main Question, “ That Mr. Speaker do now leave the Chair,” put, and *agreed to*.

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES.

(In the Committee.)

CLASS II.—SALARIES AND EXPENSES OF CIVIL DEPARTMENTS.

(1.) Motion made, and Question proposed, “ That a sum, not exceeding £5,027, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Department of the Queen's and Lord Treasurer's Remembrancer in Exchequer, Scotland, of certain Officers in Scotland, and other Charges formerly on the Hereditary Revenue ”

736

After short debate, Motion made, and Question proposed, “ That a sum, not exceeding £4,187, be granted, &c.”—(*Mr. Biggar.*)—After further short debate, Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(2.) Motion made, and Question proposed, “ That a sum, not exceeding £9,239, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Fishery Board in Scotland and certain Grants in Aid of Piers or Quays ”

742

After short debate, Motion made, and Question proposed, “ That a sum, not exceeding £6,809, be granted, &c.”—(*Mr. Arthur O'Connor.*)—After further short debate, Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(3.) £3,944, to complete the sum for the Board of Lunacy in Scotland.—After short debate, Vote *agreed to*

749

(4.) £5,740, to complete the sum for Registrar General's Office, Scotland.

(5.) £5,682, to complete the sum for Board of Supervision for Relief of the Poor, and for Public Health, Scotland.—After short debate, Vote *agreed to*

750

Resolutions to be reported.

Motion made, and Question proposed, “ That a sum, not exceeding £4,270, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries of the Officers and Attendants of the Household of the Lord Lieutenant of Ireland and other Expenses ”

751

Motion made, and Question proposed, “ That a sum, not exceeding £1,423, be granted, &c.”—(*Mr. Finigan.*)—After debate, it being a quarter of an hour before Six of the clock, the Chairman reported Progress.

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Amendment *moved*, to leave out ("now") and add at the end of the Motion ("on this day six months,")—(*The Lord Denman*.)

On question, that ("now") stand part of the motion, *resolved* in the affirmative; House in Committee accordingly.

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STATE OF IRELAND—DISTURBANCE AT NEW ROSS—Question, Mr. Redmond; Answer, Mr. Childers

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ARMY—MOUNTED INFANTRY—RESOLUTION—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in order to meet the requirements of modern warfare, and to secure rapidity of movement for troops armed with breech-loading rifles, some provision be made in this year's Army Estimates for the formation of corps of mounted infantry, and that a proportion of such corps form part of the Army establishment in future,"—
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After short debate, Original Question put, and <i>agreed to.</i>	
<i>Moved</i> , "That the Chairman do report Progress, and ask leave to sit again,"—(Sir Walter B. Barttelot :)—Motion <i>agreed to.</i>	
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<i>Moved</i> , "That the Bill be now read a second time,"—(Mr. Solicitor General for Ireland) ..	912
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Corrupt Practices (Suspension of Elections) Bill [Bill 238]—

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ORDERS OF THE DAY.

—o—

SUPPLY—Order for Committee read; Motion made, and Question proposed, “That Mr. Speaker do now leave the Chair:”—

LAW AND JUSTICE—OUTRAGE UPON THE PERSON—RESOLUTION—
Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “the administration of the Law in cases of outrage upon the person has long been a reproach to our Criminal Courts; that outrages and assaults of the most brutal character, especially upon married women, even when they cause a cruel death, are commonly punished less severely than small offences against property; that the admission of the crime of drunkenness as an extenuation of other crimes is immoral, and acts as an incentive to persons about to commit outrages to wilfully deprive themselves of the guidance of reason,”—(*Mr. Macfarlane*,)—instead thereof 1000

Question proposed, “That the words proposed to be left out stand part of the Question:”—After short debate, Question put, and *agreed to*.

CRIMINAL LAW—CASE OF EDMUND GALLEY—Observations, Sir Eardley Wilmot; Reply, Sir William Harcourt:—Short debate thereon .. 1005

ISLANDS OF THE PACIFIC—JURISDICTION OF THE HIGH COMMISSIONER OF POLYNESIA—Observations, Sir John Hay, Sir Henry Holland; Reply, Mr. Trevelyan 1018

ARMY (RECRUITING)—IRISH SOLDIERS—Observations, Mr. Biggar; Reply, Mr. Childers 1027

Main Question, “That Mr. Speaker do now leave the Chair,” put, and *agreed to*.

SUPPLY—considered in Committee—ARMY ESTIMATES.

(In the Committee.)

(1.) Motion made, and Question proposed, “That a sum, not exceeding £758,900, be granted to Her Majesty, to defray the Charge for the Superintending Establishment of, and Expenditure for, Works, Buildings, and Repairs, at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March 1882” 1028

Motion made, and Question proposed, “That a sum, not exceeding £738,900, be granted, &c.”—(*Mr. Biggar* :)—After short debate, Question put, and *negatived*.
 Original Question put, and *agreed to*.

(2.) £164,100, Military Education 1029

After short debate, Motion made, and Question proposed, “That a sum, not exceeding £163,883 1s. 4d., be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for Military Education,”—(*Mr. Byrne* :)—After further short debate, Motion, by leave, *withdrawn*.

After further short debate, Original Question put, and *agreed to*.

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(8.) Motion made, and Question proposed, "That a sum, not exceeding £40,100, be granted to Her Majesty, to defray the Charge for Miscellaneous Effective Services, which will come in course of payment during the year ending on the 31st day of March 1882"	1036
After short debate, Motion made, and Question proposed, "That a sum, not exceeding £33,740, be granted, &c.,"—(<i>Mr. Arthur O'Connor</i> :)—Question put:—The Committee divided; Ayes 11, Noes 53; Majority 42.—(Div. List, No. 355.)	
Original Question put, and agreed to.	
(4.) £222,200, Administration of the Army.	
(5.) £34,000, Rewards, &c.—After short debate, Vote agreed to ..	1037
(6.) £129,700, Half Pay.	
(7.) £1,054,700, Retired Pay.—After short debate, Vote agreed to ..	1037
(8.) £124,200, Widows' Pensions.—After short debate, Vote agreed to ..	1040
(9.) £17,000, Pensions for Wounds.	
(10.) £33,900, Chelsea, &c. Hospitals.—After short debate, Vote agreed to ..	1041
(11.) £1,386,500, Out-Pensions.	
(12.) £202,200, Army Superannuation Allowances.	
(13.) £37,400, Militia, Yeomanry Cavalry, and Volunteer Corps.—After short debate, Vote agreed to ..	1043
(14.) £1,100,000, Army (Indian Home Charges).	
(15.) £30,000, Supplementary Estimate, Pay, Allowances, &c.	
(16.) £290,000, Supplementary Estimate, Provisions, &c.—After short debate, Vote agreed to ..	1045

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CLASS III.—LAW AND JUSTICE.

(17.) £36,281, to complete the sum for Law Charges.—After short debate, Vote agreed to ..	1046
(18.) £2,021, to complete the sum for the Public Prosecutor's Office.—After short debate, Vote agreed to ..	1047
(19.) £116,022, to complete the sum for Criminal Prosecutions.—After short debate, Vote agreed to ..	1052
(20.) Motion made, and Question proposed, "That a sum, not exceeding £97,115, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for such of the Salaries and Expenses of the Chancery Division of the High Court of Justice, of the Court of Appeal, and of the Supreme Court of Judicature (exclusive of the Central Office), as are not charged on the Consolidated Fund" ..	1054
After short debate, Motion made, and Question proposed, "That a sum, not exceeding £95,115, be granted, &c.,"—(<i>Mr. Henry Fowler</i> :)—After further short debate, Question put:—The Committee divided; Ayes 32, Noes 76; Majority 44.—(Div. List, No. 356.)	
Original Question again proposed ..	1063
Motion made, and Question put, "That a sum, not exceeding £96,890, be granted, &c.,"—(<i>Mr. Healy</i> :)—The Committee divided; Ayes 23, Noes 90; Majority 67.—(Div. List, No. 357.)	
After short debate, Original Question put, and agreed to.	
(21.) Motion made, and Question proposed, "That a sum, not exceeding £68,427, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Central Office of the Supreme Court of Judicature; the Salaries and Expenses of the Judges' Clerks and other Officers of the District Registrars of the High Court; the remuneration of the Judges' Marshals; and certain Circuit Expenses"	1065
Motion made, and Question proposed, "That a sum, not exceeding £63,927, be granted, &c.,"—(<i>Mr. Arthur O'Connor</i> :)—After short debate, Question put, and negatived.	
Original Question put, and agreed to.	
(22.) £57,124, to complete the sum for Probate, &c. Registries of the High Court of Justice.	
(23.) £6,797, to complete the sum for the Admiralty Registry of the High Court of Justice.	
(24.) £8,118, to complete the sum for the Wreck Commission.—After short debate, Vote agreed to ..	1068
(25.) £19,424, to complete the sum for the London Bankruptcy Court.—After short debate, Vote agreed to ..	1068
(26.) £382,936, to complete the sum for the County Courts.	
(27.) £2,442, to complete the sum for the Land Registry.—After short debate, Vote agreed to ..	1068

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- (28.) £18,690, to complete the sum for Revising Barristers, England.
 (29.) £8,021, Police Courts, London and Sheerness.—After short debate, Vote agreed to .. 1071
 (30.) £250,402, to complete the sum for Metropolitan Police.
 (31.) Motion made, and Question proposed, "That a sum, not exceeding £911,298, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for certain Expenses connected with the Police in Counties and Boroughs in England and Wales, and with the Police in Scotland" .. 1072
 After short debate, Question put, and agreed to.
 Motion made, and Question proposed, "That a sum, not exceeding £245,844, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Superintendence of Convict Establishments, and for the Maintenance of Convicts in Convict Establishments in England and the Colonies" .. 1080
 After short debate, Motion, by leave, withdrawn.
 (32.) £293,759, to complete the sum for Prisons, England.—After short debate, Vote agreed to .. 1081
 (33.) £132,626, to complete the sum for Reformatory and Industrial Schools, Great Britain.—After short debate, Vote agreed to .. 1085
 (34.) £18,019, to complete the sum for Broadmoor Criminal Lunatic Asylum.—After short debate, Vote agreed to .. 1087
 (35.) Motion made, and Question proposed, "That a sum, not exceeding £40,700, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Lord Advocate's Department and others connected with Criminal Proceedings in Scotland, including certain Allowances under the Act 15 and 16 Vic. c. 83" .. 1090
 Motion made, and Question proposed, "That a sum, not exceeding £39,700, be granted, &c."—(Mr. Biggar:)—After short debate, Motion, by leave, withdrawn.
 Original Question put, and agreed to.
 (36.) Motion made, and Question proposed, "That a sum, not exceeding £39,008, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Courts of Law and Justice in Scotland, and other Legal Charges" .. 1096
 Motion made, and Question proposed, "That a sum, not exceeding £38,358, be granted, &c."—(Mr. Findlater:)—After short debate, Question put:—The Committee divided; Ayes 20, Noes 52; Majority 32.—(Div. List, No. 358.)
 Original Question put, and agreed to.
 (37.) £25,422, to complete the sum for Register House Departments, Edinburgh.—After short debate, Vote agreed to .. 1099
 (38.) £87,340, to complete the sum for Prisons (Scotland).—After short debate, Vote agreed to .. 1100
 Resolutions to be reported To-morrow; Committee to sit again To-morrow.

Regulation of the Forces Bill [Bill 193]—

- Order for Consideration, as amended, read .. 1100
 After short debate, Consideration, as amended, deferred till Monday next.

Corrupt Practices (Suspension of Elections) Bill [Bill 238]—

- Bill considered in Committee .. 1101
 After short time spent therein, Bill reported, without Amendment.
 Moved, "That the Bill be now read the third time,"—(Mr. Attorney General):—Motion agreed to:—Bill read the third time, and passed, without Amendment.

Whiteboy Acts Repeal Bill [Bill 134]—

- Moved, "That the Second Reading of the Bill be deferred till Saturday,"—(Mr. T. P. O'Connor) .. 1104
 After short debate, Amendment proposed, to leave out "Saturday" and insert "Monday,"—(Mr. R. N. Fowler.)
 Question proposed, "That the word 'Saturday' stand part of the Question:"—Question put, and negatived.
 Original Question, as amended, put, and agreed to:—Second Reading deferred till Monday.

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Conveyancing and Law of Property (<i>re-committed</i>) Bill [Lords]	
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After short time spent therein, Bill <i>reported</i> , without Amendment; to be read the third time upon <i>Monday</i> next.	
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Considered in Committee ..	1107
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COMMONS, SATURDAY, AUGUST 6.

QUESTIONS.

PARLIAMENT—RULES AND ORDERS—PETITIONS—THE BRADLAUGH PETITIONS—Questions, Observations, Sir Wilfrid Lawson, Mr. Thorold Rogers; Answers, Sir Charles Forster ..	1107
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ORDER OF THE DAY.

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—	
NAVY—PROMOTION—LIEUTENANTS—Observations, Sir John Hay ..	1110
STATE OF IRELAND—THE MAGISTRACY—MR. CLIFFORD LLOYD, R.M.—RESOLUTION—Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "this House condemns the refusal of the Government to grant an investigation into the conduct of Mr. Clifford Lloyd, R.M., and their refusal to notice the threats alleged to have been used by him in dispersing without proclamation a peaceful meeting at Drogheda on the 1st day of January,"—(<i>Mr. Healy</i> ,)—instead thereof ..	1111
Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Question put:—The House <i>divided</i> ; Ayes 75, Noes 18; Majority 57.—(<i>Div. List, No. 359.</i>)	
NAVY—NAVY AND DOCKYARD OFFICERS—Observations, Sir H. Drummond Wolff; Reply, Mr. Trevelyan:—Short debate thereon ..	1133
Main Question, "That Mr. Speaker do now leave the Chair," put, and <i>agreed to</i> .	

SUPPLY—considered in Committee—NAVY ESTIMATES.

(In the Committee.)

(1.) \$877,890, Half-Pay, Reserved Half-Pay, and Retired Pay to Officers of the Navy and Marines.—After short debate, Vote <i>agreed to</i> ..	1138
(2.) \$847,035, Military Pensions and Allowances.—After short debate, Vote <i>agreed to</i> ..	1139
(3.) \$337,991, Civil Pensions and Allowances.	

CIVIL SERVICES.

CLASS V.—FOREIGN AND COLONIAL SERVICES.

(4.) \$93,570, to complete the sum for the Diplomatic Services.—After short debate, Vote <i>agreed to</i> ..	1143
(5.) Motion made, and Question proposed, "That a sum, not exceeding \$142,387, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Expense of the Consular Establishments Abroad, and for other Expenditure chargeable on the Consular Vote" ..	1147

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SUPPLY—CIVIL SERVICES—Committee—continued.

Motion made, and Question proposed, "That a sum, not exceeding £140,787, be granted, &c."—(*Mr. Labouchere* :)—After debate, Motion, by leave, *withdrawn*.

After further short debate, Original Question put, and *agreed to*.

(6.) Motion made, and Question proposed, "That a sum, not exceeding £4,097, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Expenses of the Mixed Commissions established under the Treaties with Foreign Powers for suppressing the Traffic in Slaves, and of other Establishments in connection with that object, including the Muscat Subsidy" .. 1162

Motion made, and Question proposed, "That a sum, not exceeding £2,297, be granted, &c."—(*Mr. Arthur O'Connor* :)—After short debate, Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(7.) £7,047, to complete the sum for Tonnage Bounties, &c. and Liberated African Department.

(8.) £870, to complete the sum for the Suez Canal (British Directors).—After short debate, Vote *agreed to* .. 1163

(9.) Motion made, and Question proposed, "That a sum, not exceeding £20,751, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, in aid of Colonial Local Revenue, and for the Salaries and Allowances of Governors, &c., and for other Charges connected with the Colonies, including Expenses incurred under 'The Pacific Islanders Protection Act, 1875'" .. 1164

Motion made, and Question proposed, "That a sum, not exceeding £19,751, be granted, &c."—(*Mr. Arthur O'Connor* :)—After short debate, Motion, by leave, *withdrawn*.

Original Question again proposed :—After short debate, Original Question put, and *agreed to*.

(10.) £1,105, to complete the sum for the Orange River Territory and St. Helena (Non-Effective Charges).

(11.) £17,300, to complete the sum for Subsidies to Telegraph Companies.

CLASS VI.—NON-EFFECTIVE AND CHARITABLE SERVICES.

(12.) £209,980, to complete the sum for Superannuations and Retired Allowances.

(13.) £19,550, to complete the sum for Merchant Seamen's Fund Pensions, &c.

(14.) £17,900, to complete the sum for the Relief of Distressed British Seamen Abroad.—After short debate, Vote *agreed to* .. 1166

(15.) £423,000, to complete the sum for Pauper Lunatics, England.

(16.) £39,588, to complete the sum for Pauper Lunatics, Scotland.

(17.) £49,852, Friendly Societies Deficiency.

(18.) £2,021, to complete the sum for Miscellaneous Charitable and other Allowances, Great Britain.—After short debate, Vote *agreed to* .. 1167

CLASS VII.—MISCELLANEOUS.

(19.) £19,883, to complete the sum for Temporary Commissions.

(20.) £3,927, to complete the sum for Miscellaneous Expenses.—After short debate, Vote *agreed to* .. 1168

REVENUE DEPARTMENTS.

(21.) £757,737, to complete the sum for the Customs.

(22.) £1,553,471, to complete the sum for the Inland Revenue.

(23.) £407,787, to complete the sum for the Post Office Packet Service.

Resolutions to be reported upon *Monday* next; Committee to sit again upon *Monday* next.

LORDS, MONDAY, AUGUST 6.

Land Law (Ireland) Bill (Nos. 187, 204).—

Amendments *reported* (according to Order) .. 1170

After debate, Bill to be *printed*, as amended. (No. 207.)

Order of the Day for suspending Standing Order No. XXXV. read :—

Moved, "That the said Standing Order be suspended,"—(*The Lord Privy Seal*.)

On question? *resolved* in the *affirmative*; Standing Order suspended accordingly.

Moved, "That the Bill be now read 3^d,"—(*The Lord Privy Seal*.)

After debate, on question, *resolved* in the *affirmative*; Bill read 3^d accordingly, with the Amendments, and *passed*, and sent to the Commons.

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METROPOLITAN VESTRY ACCOUNTS—THE PADDINGTON VESTRY—Question, Mr. Firth; Answer, Mr. Dodson	1199
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PARLIAMENTARY OATH (MR. BRADLAUGH)—Questions, Mr. Labouchere, Mr. Gibson, Mr. Macfarlane, Mr. T. P. O'Connor, Mr. Puleston; Answers, Mr. Gladstone, Mr. Speaker, Mr. Labouchere	1207
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“That Mr. Speaker do now leave the Chair :”—

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MENT OF THE VICE PRESIDENT OF THE COMMITTEE OF COUNCIL ON
EDUCATION 1210

ART AND INDUSTRIAL MUSEUMS—RESOLUTION—Amendment proposed,
To leave out from the word “That” to the end of the Question, in order to add the
words “in the opinion of this House, grants in aid of Art and Industrial Museums
should not be confined to London, Edinburgh, and Dublin,”—(*Mr. Jesse Collings*,)
—instead thereof 1226

Question proposed, “That the words proposed to be left out stand part
of the Question :”—After debate, Question put :—The House divided ;
Ayes 48, Noes 85 ; Majority 37.—(Div. List, No. 360.)

SCIENCE AND ART DEPARTMENT, SOUTH KENSINGTON—UNITED WEST-
MINSTER SCHOOLS OF ART—CASE OF MR. GOFFIN, THE HEAD MASTER
—Observations, Lord George Hamilton :—Long debate thereon .. 1266

Main Question, “That Mr. Speaker do now leave the Chair,” put, and
agreed to.

SUPPLY—considered in Committee—CIVIL SERVICES—
(In the Committee.)

CLASS IV.—EDUCATION, SCIENCE, AND ART.

(1.) \$1,283,958, to complete the sum for Education, England and Wales.—After
debate, *Vote agreed to* 1300
Moved, “That the Chairman do report Progress, and ask leave to sit again,”—(*Mr.*
Bigger :)—After short debate, Motion, by leave, *withdrawn*.

(2.) Motion made, and Question proposed, “That a sum, not exceeding \$227,181,
be granted to Her Majesty, to complete the sum necessary to defray the Charge
which will come in course of payment during the year ending on the 31st day of
March 1882, for the Salaries and Expenses of the Science and Art Department,
and of the Establishments connected therewith” 1329
After short debate, Motion made, and Question proposed, “That a sum, not exceeding
\$226,681, be granted, &c.”—(*Mr. Arthur O'Connor* :)—After further short debate,
Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.
(3.) \$69,939, to complete the sum for British Museum.—After short debate, *Vote*
agreed to 1337

(4.) \$228,435, to complete the sum for Public Education, Scotland.—After short
debate, *Vote agreed to* 1340

Resolutions to be reported *To-morrow* ; Committee to sit again *To-*
morrow.

Regulation of the Forces Bill [Bill 195]—

Order for Consideration, as amended, read 1342
After short debate, Consideration, as amended, *deferred till To-morrow*.

Patriotic Fund Bill [*Lords*] [Bill 240]—

Moved, “That the Bill be now read a second time,”—(*Mr. Childers*) .. 1343
After short debate, Motion *agreed to* :—Bill read a second time, and *com-*
mitted for To-morrow.

National Debt Bill [Bill 236]—

Order for Committee read 1345
After short debate, Bill *considered* in Committee, and *reported* ; to be
printed, as amended [Bill 243] ; *re-committed for Thursday*.

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SUPPLY—REPORT—Resolutions [6th August] *reported* .. 1344

Resolutions 1 to 18 *agreed to*.

(19.) "That a sum, not exceeding £19,883, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Incidental Expenses of Temporary Commissions and Committees, including Special Inquiries."

After short debate, Resolution *agreed to*:—Remaining Resolutions *agreed to*.

WAYS AND MEANS—

Resolved, That, towards making good the Supply granted to Her Majesty for the Service of the year ending on the 31st day of March 1882, the sum of £21,695,712, be granted out of the Consolidated Fund of the United Kingdom.

Resolution to be reported *To-morrow*; Committee to sit again upon *Wednesday*.

East Indian Railway (Redemption of Annuities) Bill—Resolution [August 5] *reported*, and *agreed to*:—Bill ordered (*The Marquess of Hartington, Lord Frederick Cavendish*); *presented*, and read the first time [Bill 244] .. 1345

Expiring Laws Continuance Bill—Ordered (*Lord Frederick Cavendish, Mr. Attorney General*); *presented*, and read the first time [Bill 245] .. 1345

LORDS, TUESDAY, AUGUST 9.

RIVERS CONSERVANCY AND FLOODS PREVENTION BILL—Question, The Earl of Sandwich; Answer, Earl Spencer .. 1345

Ecclesiastical Courts Regulation Bill (No. 201)—
Moved, "That the Bill be now read 2^a,"—(*The Earl Beauchamp*) .. 1346
After debate, Motion *agreed to*:—Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

Metropolitan Board of Works (Money) Bill (No. 186)—
Moved, "That the Bill be now read 2^a,"—(*The Lord Thurlow*) .. 1365
Motion *agreed to*:—Bill read 2^a accordingly.
Moved, "That the Bill be referred to a Select Committee,"—(*The Earl De La Warr*).
After short debate, on question, *resolved in the negative*; Bill *committed* to a Committee of the Whole House on *Thursday* next.

Leases for Schools (Ireland) Bill (No. 188)—
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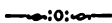
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LORDS, FRIDAY, AUGUST 12.

BUSINESS OF THE HOUSE—

Ordered, That for the remainder of the Session the Bills which are entered for consideration on the Minutes of the day shall have the same precedence which Bills have on Tuesdays and Thursdays,—(*The Earl of Redesdale*.)

Discharge of Contumacious Prisoners Bill—Formerly Ecclesiastical Courts Regulation Bill (No. 198)—

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SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair: "—

COMMERCIAL TREATY WITH FRANCE (NEGOTIATIONS)—MOTION FOR AN ADDRESS—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to the Crown, praying Her Majesty to withhold Her consent from any Commercial Treaty with France which proposes to substitute specific duties for ad valorem duties, to the disadvantage of any article of British manufacture, or in any way to raise the present rate of duties payable on such articles, and which does not leave Her Majesty's Government full liberty to deal with the question of Bounties, or which would bind Her Majesty absolutely to its provisions for a longer period than twelve months,"—(*Mr. Ritchie*,)—instead thereof .. 1728

Question proposed, "That the words proposed to be left out stand part of the Question: "—After long debate, Question put:—The House divided; Ayes 153, Noes 80; Majority 73.—(*Div. List, No. 384.*)

Main Question proposed, "That Mr. Speaker do now leave the Chair: "—Motion, by leave, *withdrawn*:—Committee deferred till To-morrow.

PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS—LAND LAW (IRELAND) BILL—Observations, Mr. Gladstone, Sir Walter B. Barttelot, Sir Stafford Northcote ..

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Supreme Court of Judicature Bill [<i>Lords</i>] [Bill 227]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Attorney General</i>) 1818
After short debate, Second Reading <i>deferred</i> till <i>Monday</i> next.	
Pedlars (Certificates) Bill [<i>Lords</i>] [Bill 234]—	
Order for Committee read:— <i>Moved</i> , "That Mr. Speaker do now leave the Chair,"—(<i>Mr. Courtney</i>) 1818
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Question, "That the Bill be now read a third time," put, and <i>agreed to</i> :—Bill <i>passed</i> .	
Petroleum (Hawking) Bill [<i>Lords</i>] [Bill 222]—	
<i>Moved</i> , "That the Consideration of the Bill, as amended, be deferred until Saturday,"—(<i>Mr. Solicitor General</i>) 1820
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ORDER OF THE DAY.

—:O:—

SUPPLY—Order for Committee read; Motion made, and Question proposed,
"That Mr. Speaker do now leave the Chair: "—

NAVY (SOBRIETY)—RESOLUTION—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it will promote good conduct and sobriety among the men and boys of the Royal Navy if the spirit ration were henceforth discontinued, and some equivalent given, equal to the value of the spirit ration, in the form of improved dietary or increased wages,"—(*Mr. Caine*),—instead thereof 1821

Question proposed, "That the words proposed to be left out stand part of the Question: "—After debate, Question put, and *agreed to*.

Main Question proposed, "That Mr. Speaker do now leave the Chair: "—

NAVY—H.M.S. "ATALANTA"—Observations, Mr. Jenkins:—Debate thereon 1835

PASSENGER ACTS—EMIGRANT SHIPS—Observations, Mr. O'Donnell, Mr. A. Moore; Reply, Mr. Chamberlain .. . [House counted out] 1865

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Moved, "That the Order of the 1st day of April last, which limits the time for the Second Reading of any Bill brought from the House of Commons confirming any Provisional Order be dispensed with with respect to the said Bill,"—(*Lord Thurlow*) 1878

After short debate, on question ? Their Lordships *divided*; Contents 29, Not-Contents 31; Majority 2 :—*Resolved* in the *negative*.

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Patriotic Fund Bill—

Commons Amendments *considered* (according to Order), and *agreed to* .. 1881
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CYCLON—ECCLIASTICAL SUBSIDIES—Question, Observations, Lord Stanley of Alderley, The Archbishop of Canterbury; Reply, The Earl of Kimberley .. 1861

TUNIS—RESOLUTION—*Moved* to resolve—

"That, in the opinion of this House, any interference with the integrity of the Ottoman Empire in North Africa is likely to prove dangerous to the peace of Europe,"—(*The Earl of Dunraven*) .. 1890

After debate, Motion (by leave of the House) *withdrawn*.

LAND LAW (IRELAND) BILL—

Returned from the Commons with an amendment made by the Lords to which the Commons had disagreed and on which the Lords have insisted, *agreed to*; and with several of the further amendments made by the Lords, *agreed to*; several *agreed to*, with amendments, and with consequential amendments to the Bill; and several *disagreed to*, with reasons for such disagreement: The said amendments and reasons to be *printed*, and to be considered *To-morrow*. (No. 214.)

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POST OFFICE—WAGES OF LETTER CARRIERS (IRELAND)—Question, Mr. Dawson; Answer, Mr. Fawcett .. 1910

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IRELAND—REGISTRATION OF BIRTHS, &c., BELFAST—Question, Mr. Biggar; Answer, Mr. W. E. Forster .. 1914

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ARMY—THE VETERINARY DEPARTMENT—PROMOTION—Question, Mr. Gray; Answer, Mr. Childers	1918
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POST OFFICE (IRELAND)—SALARIES OF IRISH SUB-POSTMASTERS—Question, Mr. Barry; Answer, Mr. Fawcett	1923
WAYS AND MEANS—INLAND REVENUE—THE COLCLOUGH STAMP FRAUDS— Questions, Mr. Healy; Answers, Lord Frederick Cavendish	1923
LICENSING ACTS—TRANSFER OF A LICENCE—Question, Sir Wilfrid Lawson; Answer, Sir William Harcourt	1924
CRIMINAL LAW—CASE OF EDMUND GALLEY—COMPENSATION—Question, Sir Eardley Wilmot; Answer, Sir William Harcourt	1924
LAW AND POLICE—CRUELTY TO ANIMALS PREVENTION ACT—CRUELTY TO A DONKEY—Question, Mr. Macfarlane; Answer, Sir William Harcourt	1925
SOUTH AFRICA—THE TRANSVAAL—MURDER OF DR. BARBER—Questions, Sir Stafford Northcote; Answers, Mr. Courtney	1925
FRANCE AND TUNIS (POLITICAL AFFAIRS)—Question, Sir H. Drummond Wolf; Answer, Sir Charles W. Dilke	1926
LAND LAW (IRELAND) BILL—CLAUSE 25 — PURCHASES — Question, Sir William Palliser; Answer, The Attorney General for Ireland	1927
FOREIGN JEWS IN RUSSIA — EXPULSION OF MR. L. LEWISOHN, A NATURALIZED BRITISH SUBJECT—Question, Baron Henry De Worms; Answer, Sir Charles W. Dilke	1927
CONFISCATED ESTATES (IRELAND)—Question, Mr. W. J. Corbet; Answer, The Attorney General for Ireland	1928
LANDLORD AND TENANT (IRELAND) ACT, 1870—THE ROYAL COMMISSION— THE REPORT AND EVIDENCE—Questions, Sir William Palliser; Answers, Mr. Gladstone	1929
LAND LAW (IRELAND) BILL—THE LORDS' AMENDMENTS—Question, Mr. Macdonald; Answer, Mr. Speaker	1931
NAVY—THE POSITION OF NAVIGATING AND WARRANT OFFICERS—Question, Sir H. Drummond Wolf; Answer, Mr. Trevelyan	1931
THE PATRIOTIC FUND—MR. HAMILTON—Question, Sir Henry Holland; Answer, Mr. Childers	1931

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ORDERS OF THE DAY.

Land Law (Ireland) Bill—

Order for Consideration of Lords Reasons and Amendments read:—

Moved, "That the Lords Reasons and Amendments be now considered,"

—(*Mr. Gladstone*)

After debate, Question put, and *agreed to*:—Lords Reasons and Amendments considered.

1982

Moved, "That a Committee be appointed 'to draw up reasons to be assigned to The Lords for disagreeing to the Amendments made by The Lords to the Bill, to which this House hath disagreed.'"

After short debate, Question put, and *agreed to*:—List of the Committee Committee to withdraw immediately.

1998

Royal University of Ireland Bill [*Lords*] [Bill 247]—

Moved, "That the Bill be now read a second time,"—(*Mr. William Edward Forster*)

Moved, "That the Debate be now adjourned,"—(*Mr. T. P. O' Connor*):—

1999

After short debate, Question put, and *negatived*.

Main Question put, and *agreed to*:—Bill read a second time, and committed for *To-morrow*.

Land Law (Ireland) Bill—

COMMONS AMENDMENTS TO THE AMENDMENTS MADE BY THE LORDS TO THE AMENDMENTS MADE BY THE COMMONS TO THE LORDS AMENDMENTS, AND COMMONS REASONS FOR DISAGREEING TO CERTAIN OF THE SAID LORDS AMENDMENTS

2009

Reasons for disagreement to the Amendments made by The Lords to the Commons Amendments to The Lords Amendments *reported*, and *agreed to*:—To be communicated to the Lords.

Universities of Oxford and Cambridge (Statutes) Bill [*Lords*]—

Order for Second Reading read

.. 2011

After short debate, Second Reading *deferred* until *To-morrow*.

NAVY AND ARMY EXPENDITURE, 1879-80—

Considered in Committee

.. 2012

After short debate, Resolutions to be reported *To-morrow*.

Solent Navigation Bill [Bill 207]—

Moved, "That the Order for going into Committee upon the said Bill be discharged,"—(*Mr. Evelyn Ashley*)

.. 2015

Question put, and *agreed to*.

Moved, "That the Bill be referred to a Select Committee, consisting of Five Members, Three to be nominated by the House, and Two by the Committee of Selection,"—(*Mr. Evelyn Ashley*):—Question put, and *agreed to*.

Ordered, That all Petitions against the Bill be referred to the Committee.

Ordered, That Petitioners praying to be heard by Counsel or Agents be heard against the Bill, and that Counsel be heard in support of the Bill.

Ordered, That the Committee have power to send for persons, papers, and records:—Three to be the quorum.

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Statute Law Revision and Civil Procedure Bill [Lords]—

Moved, "That the Order for going into Committee upon the said Bill be discharged,"—(*Mr. Attorney General*) ..

2015

After short debate, Motion, by leave, *withdrawn*:—Committee *deferred till To-morrow*.

Pollen Fishing (Ireland) Bill [Bill 248]—

Moved, "That the Bill be now read a second time,"—(*Mr. Solicitor General for Ireland*)

2016

Question put, and *agreed to*:—Bill read a second time, and *committed for To-morrow*.

SAT FIRST.

MONDAY, AUGUST 1.

The Lord Fingall, after the death of his father.

MONDAY, AUGUST 15.

The Earl of Harrington, after the death of his father.

HANSARD'S PARLIAMENTARY DEBATES

IN THE

SECOND SESSION OF THE TWENTY-SECOND PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
APPOINTED TO MEET 29 APRIL, 1880, IN THE FORTY-THIRD
YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

EIGHTH VOLUME OF SESSION 1881.

HOUSE OF LORDS,

Thursday, 28th July, 1881.

MINUTES.]—PUBLIC BILLS—*First Reading*—
Metropolitan Board of Works (Money) *
(186).

Second Reading—Metropolitan Open Spaces Act
(1877) Amendment (164); Universities of
Oxford and Cambridge (Statutes) (178);
Turnpike Acts Continuance * (170); Patriotic
Fund (183); Removal Terms (Scotland)
(184); Customs (Officers) * (168).

Committee—Report—British Honduras (Court of
Appeal) * (167); Pedlars (Certificates) * (163);
Metallic Mines (Gunpowder) * (169); Seed
Supply and other Acts (Ireland) Amendment *
(177).

Report—Universities (Scotland) Registration of
Parliamentary Voters, &c. * (173).

Third Reading—Coroners (Ireland) * (134);
Reformatory Institutions (Ireland) * (172),
and passed.

Withdrawn—Cottiers and Cottars (Dwellings)
(174).

VOL. CCLXIV. [THIRD SERIES.]

COTTIERS AND COTTARS (DWELLINGS)-
BILL.—(No. 174.)

(*The Lord Waverley*.)

SECOND READING.

Order of the Day for the Second Reading read.

LORD WAVENEY, in moving that the Bill be now read a second time, that after the statement he had made on the introduction of the Bill he need say but little; but there were misunderstandings which he desired to clear up as to the object of the measure. His main object was, if possible, to bring the agricultural classes into accord with the habits and civilization of the period, for it appeared to him that in certain important particulars those classes had not as yet attained that level. Something had been done in that direction by the Artizans' and Labourers' Dwellings Act, and subsequently by the Public Health (Ireland) Act; but the principle of action in past legislation was wanting in prompt-

now being paid to the agricultural community, that it would confer a great boon upon them.

Moved "That the Bill be now read 2^d."
—(*The Lord Waveney*.)

THE DUKE OF ARGYLL said, that but for the gravity and solemnity of the noble Lord he should have thought that this proposal was intended as a practical joke. He listened very attentively to the noble Lord's speech the other day in introducing the Bill; but he could not for the life of him make head or tail of anything the noble Lord said as indicating what the measure was to be. The noble Lord said something about the cottiers of the Highlands of Scotland, whose condition, the noble Lord said, was analogous to the cottagers of the very poorest parts of Ireland; but he really had not the slightest conception of what the noble Lord intended to do. In the first place, he must say that the attempt to combine the provisions for Ireland and Scotland was in itself ridiculous. In point of fact, the circumstances of the two countries were quite different. He gathered from the observations which the noble Lord had made that he had obtained his information on this subject entirely from some observations of Sir John McNeil, which were 25 years old, and from the report of a newspaper commissioner sent out to make inquiries on the subject. The object of this measure professed to be to prevent epidemic diseases by compelling proper sanitary arrangements to be provided in cottages; but he did not believe that, except in times of famine, epidemics were prevalent amongst the cottier population. It was well known that the cottiers of Ireland were a most healthy class of people. In the Bill there was provision for large powers being given to the sanitary authorities of Unions and parishes. That, however, must refer to Ireland alone, as it was absolutely absurd to have such a provision for Scotland, as there were no unions or parishes, except for the purpose of building poorhouses, and it was absolutely absurd to put that in the Bill. He asked their Lordships to look at the powers which the Bill proposed to give to sanitary authorities. They were to have the power to compel the carrying out of proper sanitary arrangements in any cottage or number of cottages which they might consider to be unfit for human

habitation; and what were the sanitary authorities to be authorized to do? They were not authorized to compel the person who lived in the cottage to keep it clean, but were authorized to go to the proprietor and compel him to remedy the barbarous mode of living of the people.

LORD WAVENEY: The immediate lessor.

THE DUKE OF ARGYLL said, it was the same thing. There was no power to go to the tenant and force him to clean his own house. The noble Lord said he wanted to bring the cottiers of the Highlands of Scotland and of Ireland into accord with the civilization of the day; but if the noble Lord confined the operation of the Bill to Kerry and Connaught, he thought the noble Lord would find that he had a very severe task to achieve. Anyone who had seen estates in the West of Ireland knew very well that disease there arose from the almost bestial habits of the people. There was frequently a dung-heap just outside the door, and the pigs often lived inside the house, and yet the Bill did not propose to compel the occupier to keep his house clean. All the Bill said was that the sanitary authorities should go to the landlord and tell him to do it. He did not think that that was a proper way of curing the habits of a large population. Then it was proposed by the Bill to give the sanitary authorities the power of ordering the rebuilding of cottages of an equivalent character in cases where there were not proper sanitary arrangements—that was to say, that a landlord should be bound to rebuild every cottage upon his estate. He had gone into a calculation of what the expense of this would be, and he had a case before him of an individual proprietor, the particulars of whose estate would be brought before Her Majesty's Commissioners. On that estate there were not less than something like 4,000 of these poor cottier tenantry, all of them under £8 valuation, and most of them under £4. Now, under this Bill, the sanitary authorities would have the power to call upon the landlord to rebuild every one of those cottages. What would that cost? Professor Baldwin had said that cottages with every decency of life could be built for £13 or £14 each. He could only say that he wished Professor Baldwin would come to Scotland and teach the landlords there how

to build cottages at that price. But, assuming that cottages in Ireland containing everything that, according to the Irish idea, was requisite for the decencies of life, could be built for £14 each, the owner of the estate he had mentioned might be called upon to expend £56,000 upon his estate, and that, too, at a moment when the landlords were about to be deprived of the power of managing their property, and the tenants were to have the right of selling the cottages that had been built for them. This was the proposition of a noble Peer, and made to their Lordships with a grave face. He did not himself believe that cottages could be built for £14 each. He had asked some Irish authorities their opinion on the subject, and he was informed that the lowest would be between £50 and £60 each. If the landlord refused to build, the local authority might do so out of the poor rate, and any profit arising might go to the relief of the poor. He thought he had said enough to their Lordships to show this was the most impracticable scheme ever presented to any Parliament, and presented at the moment when they were about to consider, and very likely to nearly abolish, all powers of the landlord. The noble Lord could not expect to pass the measure this Session; but, as a matter of form, he would move that it be read a second time that day three months.

Amendment *moved*, to leave out ("now") and add at the end of the motion ("this day three months.")—*(The Duke of Argyll.)*

THE MARQUESS OF SALISBURY said, he rather took exception to the Bill of the noble Lord on the ground that it did not go far enough. The noble Lord was a timid reformer. By one portion of the measure it was proposed that large powers should be vested in the local authorities to charge the poor rate for the improvement of dwellings wherever defects were found to exist in their sanitary arrangements. He ventured to point out that not far from where they were sitting, in great streets and squares, there could be found many houses defective in sanitary arrangements; and he dared say in Belgrave and Eaton Squares, and many other fashionable parts of London, there would be found houses so defective. He hoped the noble

Lord would not confine the Bill to the poor, but would give the rich the benefit of it, and force the Duke of Westminster to rebuild any of his houses found defective in sanitary arrangements.

LORD STANLEY OF ALDERLEY said, he should oppose the Bill. With regard to Scotland, it proposed to set in motion sanitary inspectors, who in England were often the greatest nuisances. Those officials would be sure to object to the box beds with sliding doors in use in some parts of the Highlands, on the ground that they were stuffy. The size and strength of the Highland population showed that they did not require the interference of nuisance inspectors. As to Ireland, he knew a case of an Irish landlord who wished to improve the cottages on his estate, and built them of two stories. They had, however, not been working long when the clerk of the works ran away because his life was threatened, and the architect was not sorry when he also was able to get away from the place.

LORD CARLINGFORD said, this question of the condition of labourers' cottages in Ireland was, in the opinion of the Government, a very serious matter indeed. While heartily sympathizing with the objects of the noble Lord, he agreed with others who had spoken that the Bill was a most startling one, inasmuch as its results apparently would be to make it the duty of Boards of Guardians in Ireland to rebuild all the cabins of that country. If any legislation on this subject was to be undertaken it would require a great deal of consideration and careful handling of details, such as it would be impossible for the Government or the House to give to it in the present Session. He trusted, therefore, that the Motion for the second reading of the Bill would not be pressed.

LORD W A V E N E Y said, that although the criticisms the Bill had received had been very severe, he did not admit that they were difficult to answer; but, on the contrary, believed facts would show many of the objections would be wholly without foundation. He might say that he had no intention of bringing forward again the proposals contained in this Bill as an index to the Land Bill now before the House of Commons. The subject had been discussed; and as he did not wish to be the means of giving rise to an impres-

sion that there was a difference of opinion among their Lordships in regard to the desirability of legislation for the improvement of dwellings of agricultural labourers in Ireland and Scotland, he begged to withdraw the Motion for the second reading.

Amendment and original motion and Bill (by leave of the House) *withdrawn*.

METROPOLITAN OPEN SPACES ACT
(1877) AMENDMENT BILL.
(*The Lord Mount Temple.*)

(NO. 164) SECOND READING.

Order of the Day for the Second Reading read.

LORD MOUNT TEMPLE, in moving that the Bill be now read a second time, explained that its object was to enable certain trustees and others, owners of inclosed grounds in the Metropolis, to enter into arrangements with public bodies to throw them open for the recreation of the people.

Moved, "That the Bill be now read 2^a."
—(*The Lord Mount Temple.*)

Motion *agreed to*; Bill read 2^a accordingly, and *committed* to a Committee of the Whole House *To-morrow*.

UNIVERSITIES OF OXFORD AND CAMBRIDGE (STATUTES) BILL.
(*The Lord President.*)

(NO. 178.) SECOND READING.

Order of the Day for the Second Reading read.

EARL SPENCER, in moving that the Bill be now read a second time, said, that in 1877 the Universities Act established the Universities Committee of the Privy Council, whose duty it was to consider any opposed statute framed by the University Commissioners of Oxford and Cambridge, and, if such a statute should require amendment, to return it to the Commission for alteration. The powers of the Commission, unless they were renewed, would cease this year; and, consequently, there would be no means of amending opposed statutes framed by the Commissioners. The Bill now before their Lordships was intended to remedy this inconvenience. It would give the Universities Committee of the Privy Council the same power of revision as was now possessed by the Commission itself. The revising

powers of the Committee would be confined to statutes that were appealed against, either through the Queen in Council or by an Address from either House of Parliament. It would also have the power to revise any statute which might be consequentially affected by the amendment of another statute. He thought sufficient ground for the Bill would be furnished in the fact that out of 100 statutes framed by the Oxford Commission, and 25 by the Cambridge, only two had been finally approved down to the present time.

Moved, "That the Bill be now read 2^a."
—(*The Lord President.*)

Motion *agreed to*; Bill read 2^a accordingly, and *committed* to a Committee of the Whole House *To-morrow*.

PATRIOTIC FUND BILL.—(No. 183.)
(*The Earl of Northbrook.*)

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF NORTHBROOK, in moving that the Bill be now read a second time, said, the necessity for the measure was explained in the last Report of the Commissioners of the fund, which showed that although a surplus was shown on the face of the statements of assets and liabilities at the end of 1879, certain liabilities had not been taken into account, for which it was necessary to make provision. When the Report came into the hands of the Secretary of State for War communications were entered into with the Commissioners, and the result was the Bill now before their Lordships. Being, no doubt, desirous to extend the benefits of the fund as widely as possible, the Commissioners had undertaken more than they were justified in undertaking from a pecuniary point of view. They had, therefore, been obliged to consider which of their benevolent projects must be sacrificed. After communication with the Admiralty and the War Office, it appeared to the Commissioners impossible to continue the boys' school at Wandsworth; and, accordingly, the school would be sold, and the proceeds would be used in aid of the general assets of the fund. The Commissioners had also decided to make considerable reductions in their office expenses,

hoping, by that course, to relieve themselves of liabilities to the extent of some £20,000. Such changes, in fact, would be made as would result in the solvency of the fund. Probably there would be a surplus, and, if so, it would be treated as a fund for the relief of the widows and children of officers and men of the Army, Navy, and Royal Marines, who might have lost their lives in war, or by accident or disease contracted in the Service. The Bill empowered the Commissioners to sell the school at Wandsworth, and authorized the use of any surplus funds for the purposes which he had explained.

Moved, "That the Bill be now read 2^d."
—(*The Earl of Northbrook*.)

THE DUKE OF SOMERSET enumerated the names of the eminent men who served on the Commission when first appointed, and reminded their Lordships that the Commissioners appointed a Financial and Executive Committee. The embarrassments of the fund had arisen, in a great measure, from the original Commission itself, which left a great deal to its Secretary, who was once or twice reprimanded by the Commissioners. In the year 1865, when he (the Duke of Somerset) was at the Admiralty, the matter came before him; and, considering that the affairs of the Commission had been again mismanaged, he moved that the Secretary be dismissed. The Commissioners did eventually dismiss the Secretary, but gave him a pension of £300 a-year. He (the Duke of Somerset) then said he would not remain on the Commission, and he left it. One error was in starting the boys' school, 200 boys instead of 100, for which there were not sufficient funds. He thought the present Bill would be efficient for its purpose and useful. There was a common misapprehension that only the income of the fund ought to be spent; but that was not the original intention. It was provided, in the first instance, for the widows and children of those who had fallen in the Crimean War, and it was expected that principal and income would have been distributed in the course of a few years.

EARL NELSON said, that, as he had been a Member of the Executive Committee since last August, he wished to combat certain misrepresentations which had been spread abroad. That Com-

mittee was composed of honourable men, although their work did not come much before the public. They were men who had served the State in the Army and the Navy, or as Inspectors of schools, or who were members of the Legal Profession. A great deal of the work had been prepared and decided by the previous Commission. He agreed that the Commission had made a mistake in enlarging the boys' school. The sum originally set apart to accumulate for the boys' school only contemplated an endowment for 100 boys. But, though it was a sanguine estimate to think that there were funds enough to endow such a school for 200, the decision had not been come to without careful consideration and an able Report. A great deal had been said about the expenses of the office; but the estimate of the expenditure under this head did not exceed £5 per cent of the fund they had to administer. The old Commissioners had found it necessary to keep up the school by filling up the vacancies from children of soldiers who were not at the Crimean War; but that was necessary till more fitting cases occurred, and as the regular vacancies were from 30 to 40 every year it was easy to meet fresh cases. He pointed out that several children of those killed in the late wars in Afghanistan and South Africa and from the *Captain* and *Eurydice* accidents had been admitted to the school or had been offered vacancies. The general statement which had gone abroad was that the Royal Commissioners, about this time last year, left the fund in a great deficit—something like £150,000—and really knew nothing about it. This deficit was classed under four different headings. The first sum was £60,000. That was reckoned as a debt, when it really was a capital sum which would be required efficiently to endow a boys' school; but they were in no sense bound to let the interest of the original endowment accumulate, and they were at liberty to devote this interest to the support of the school whenever they chose to do so. The next item was a sum of £32,000 for an extra allowance of 2s. a-week to unmarried widows after attaining the age of 60; but the arrangement with regard to it was merely tentative. Instead of being a debt of £32,000, it represented an expenditure of £1,000 a-year, which they had taken care could not be in-

The Earl of Northbrook

creased, and would be decreased as the widows died out. Another item was £25,000 for a convalescent home at Margate; but this again was only a temporary arrangement, and they were able to close the school, and so they wiped out the charge altogether within six months. There was another charge of £35,000, which they had set apart for the education of Roman Catholic children. They acknowledged that to be a debt, and the only way to meet it was from the endowment and the closing of the boys' school altogether. He maintained that the charge in connection with the expenses of the office, and the other charges made against the Commissioners, were founded upon imperfect knowledge. He would only add that he heartily accepted the Bill; indeed, the Royal Commissioners had been continually asking for their numbers to be filled up, and in their last Report had specially pointed out the desirability of having the girls' school managed by a Governing Body of its own. And since last August the House Committee had had enlarged powers with that object, an arrangement which had operated well.

LORD WAVENEY said, he had no fault to find with the Bill, particularly with the Preamble, which stated that the Patriotic Fund had been administered in accordance with the Commission from Her Majesty. Whatever there might have been of excess, there had been no shortcomings, and the confidence placed in the Commissioners was justified. There were many circumstances which required careful consideration and handling when they had to deal with the claims of rival religious denominations. He was sorry Lord Howard of Glossop was not present. That noble Lord was always foremost in urging the claims of his co-religionists, and he could tell their Lordships that every suspicion of unfairness was guarded against. He himself now stood alone of all who were the Members of the first Committee. They who commenced the work had passed away, and he might say they were men well known in the works of peace and war, and highly competent to carry on the management of such a fund. It was well that the public should remember that during the course of administration 3,789 widows of Crimean soldiers were supported out of the funds, and that 6,940 children of soldiers had been

trained in the ways of improvement and education. Care had been taken that the fund should not be wasted on unworthy objects, and that worthy objects should not be refused the benefit of them. With regard to the boys' school, so far from the original intention being to make an extravagant establishment, it was of the roughest description.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House To-morrow.

REMOVAL TERMS (SCOTLAND) BILL.

(The Earl of Camperdown.)

(NO. 184.) SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF CAMPERDOWN, in moving that the Bill be now read a second time, said, the object of that Bill was to provide a more convenient term of entering upon, and removal from, land and heritages in any Parliamentary or police burgh. The Bill had received material alterations in its course through the other House; and if their Lordships would agree to the second reading, he would take care to bring up an Amendment on the third reading which would bring the Preamble into greater harmony with the provisions of the Bill.

Moved, "That the Bill be now read 2^a."
—(The Earl of Camperdown.)

LORD WATSON said, he admitted that at present there was some inconvenience felt in Scotland owing to the customary terms of entry and removal not being coincident with the legal terms; and that Bill was endeavouring, therefore, to deal with a difficult question. At present the legal terms were the 15th of May and 11th of November; but in different parts of the country neither of those dates coincided with the customary terms, and the result was that a tenant leaving a house or farm in one district could not enter into possession of a new house or farm in another district without some loss of time. The scope of the Bill was limited to police, Royal, or Parliamentary burghs; but, in point of fact, the limits intended to be covered by the Royal, Parliamentary, or police boundary would not cover all houses, and the consequence would be that a large portion of the

difficulty would still remain to be dealt with. He also objected to the time of notice given in the case of a four months' letting, the result of which might be that a man who went into a house in February could not be turned out in May. He thought it was very dangerous to deal with this matter piecemeal, and he would ask the noble Earl whether it was worth while going further with a Bill of this nature; whether it would not be advisable to withdraw the present Bill, and bring forward a more extended one next Session?

THE EARL OF CAMPERDOWN, in reply, said, he had not failed to regard the objections. He thought it was a question it was desirable to bring before Parliament; but at that late period of the Session he must say if the noble and learned Lord would not persist in his objection to the second reading, he would consult with those who were responsible for the measure, and see if it was advisable to proceed further with it now.

Motion agreed to; Bill read 2^a.

House adjourned at Seven o'clock,
till To-morrow, a quarter
before Five o'clock.

HOUSE OF COMMONS,

Thursday, 28th July, 1881.

MINUTES.]—SELECT COMMITTEE—*Report*—
Contagious Diseases Acts [No. 351].
SUPPLY—considered in Committee—CIVIL SER-
VICE ESTIMATES—Class II.—SALARIES AND
EXPENSES OF CIVIL DEPARTMENTS.
PUBLIC BILLS—*Second Reading*—Wild Birds
Protection Act, 1880, Amendment [226].
Committee—*Report*—Summary Procedure (Scot-
land) Amendment [216].
Considered as amended—Land Law (Ireland)
[225]; Public Works Loans * [211].
Withdrawn—Lunacy Law Amendment (*re-*
comm.) [192]; Poor Removal (Ireland) *
[89].

QUESTIONS.

METROPOLIS—THE PARKS—COST OF
WATERING HYDE, ST. JAMES'S, AND
THE GREEN PARKS.

MR. LOWTHER asked the First
Commissioner of Works, What is the

Lord Watson

amount paid annually to Messrs. Mead and Company for watering Rotten Row; and, whether there can be furnished to the House a detailed copy of the contract with that firm for the performance of this duty, including when such contract was made, and the duration of the contract?

MR. SHAW LEFEVRE, in reply, said, that the contract for watering Hyde, St. James's, and the Green Parks for the present year was £790. The contract was only taken for a year, and was open to competition.

ARMY ORGANIZATION—COMPULSORY RETIREMENT OF ARMY OFFICERS.

MAJOR GENERAL BURNABY, who read his Question in full, amid considerable interruption, asked the Secretary of State for War, If the following statement is substantially correct, viz.:—

"Many Colonels have asked the Secretary of State for War to define their exact position and income on compulsory retirement, inasmuch as they wish to understand at once, whether it is better for them to hold office and appointment up to the latest date offered, or to retire on their 59th birthday. The only reply, so far, has been that on their compulsory retirement they will be informed of the amount of pension, &c. which will be granted;"

and, if he can state to the House what will be the exact financial position of such of those officers who held saleable commissions on the 1st of November 1871, when their time comes for compulsory retirement from their Regiment or from the Army?

MR. CHILDERS: Sir, I am sorry the hon. and gallant Gentleman should have taken the trouble to read his Question. It is one of a very ordinary character, and appears in full on the Paper. In reply to the first part of the Question of the hon. and gallant Gentleman, I have to say that the paragraph in the newspaper which he has quoted does not state the whole case. Any colonel, who may either retire at once or wait until he is compulsorily retired, can ascertain exactly the retired pay he can now get, and the formula for calculating the rate of compulsorily retired pay; but it may be impossible in many cases to calculate now the exact amount of the latter, which will depend on the circumstances at the time of his retirement with reference to non-employment, and also to the prospects of reaching the

major-general's list. I have given instructions that all the information possible may be given to colonels who apply, to assist them in making their election. As to the second part of the hon. and gallant Member's Question, I can only say that the exact position of colonels on retirement is clearly defined in Articles 972 and 978 of the new Warrant. No rights under the Act of 1871 are affected in any way.

TRADE AND COMMERCE—THE SPANISH CUSTOM HOUSE.

MR. O'SHEA asked the Under Secretary of State for Foreign Affairs, Whether, since the accession of the Sagasta Cabinet to power in Spain, any fresh representations have been made by Her Majesty's Government as to the system under which enormous fines are imposed by the local custom-houses in cases of errors, however trivial, in ships' papers; and, if so, with what result?

SIR CHARLES W. DILKE: Sir, on the 24th of February last, Mr. West inclosed a copy of a Note from the new Minister of State, stating that the representations which Her Majesty's Minister had made to the late Spanish Government on the subject had been referred to the proper Department; and the tone of that Note was such as to lead to the hope that some satisfactory arrangement might ultimately be come to. In several recent cases fines imposed by the local authorities have been remitted by the Spanish Government. This subject will be dealt with in the course of any commercial negotiations between Great Britain and Spain.

IRELAND—LOANS, &c.—THE RETURN.

MR. LOWTHER asked the Secretary to the Treasury, When a Return, ordered on the 12th February 1880,

"Of all moneys charged on the Consolidated Fund, or voted by Parliament, or advanced out of the Consolidated Fund or Public Revenues since the Union, to or for the benefit of Ireland, distinguishing what sums have been given and what sums have been lent, and how much of the money lent has been repaid and how much forgiven, and what remains due,"

will be given to the House?

LORD FREDERICK CAVENDISH: Sir, as I have already stated in a reply to a Question from the hon. Member, the Return is one which involves a great

amount of labour in its preparation, and the terms of the Order are so wide as to leave much discretion to those who have to prepare the figures. I regret that, owing to the pressure of work during the Session, the Return has not yet been completed. I hope, however, to be able to present it before the House rises, so that it may be distributed during the Recess.

THE ROYAL IRISH CONSTABULARY—PAY AND ALLOWANCES.

MR. LEWIS asked the Chief Secretary to the Lord Lieutenant of Ireland, Why the county and sub-inspectors of the Londonderry Royal Irish Constabulary force do not receive the same pay and allowances as the officers in the same position at Belfast, though the Act 37 and 38 Vic. c. 80, s. 8, places both towns on the same footing as regards requiring extra expense on the force; whether the ordinary constables of both forces do not receive the same amount of extra pay; and, whether a recommendation in favour of the increase of pay of Londonderry officers was not made by the late and present Inspector General?

MR. W. E. FORSTER, in reply, said, that the Royal Irish Constabulary of Belfast and Londonderry were appointed under similar Acts of Parliament as regarded pay and allowances, and the duties of both forces were precisely similar. The men of Belfast and Londonderry received the same rates of extra pay and allowances; but the officers of Londonderry did not receive the special allowances which had been granted to the officers in Belfast. The late and the present Inspector General had made recommendations in favour of the increase of pay of the officers quartered in Londonderry, and those recommendations had been forwarded to the Treasury. He must refer the hon. Member to the Treasury for any further answer.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—PRESCRIBING THE CITY OF WATERFORD.

MR. R. POWER asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been called to the charge of Lord Justice Deasy

to the Waterford City Grand Jury, in which he said—

"I am very glad to tell you that your labours on this occasion will be very light. There is one bill only to be sent up to you; it is a case in which a young lad or boy is charged with larceny. He was returned for trial yesterday, and there is nothing on the Constabulary Reports, no serious offence in the city; and, when you have disposed of that bill, which will not occupy much of your valuable time, you may return to your homes;"

and, if he still maintains the necessity of declaring the city a prescribed district?

Mr. W. E. FORSTER, in reply, said, he had no doubt that the Charge of Lord Justice Deasy to the Waterford City Grand Jury was correctly reported. He (Mr. W. E. Forster), however, was still obliged to say that the Executive did not feel that they could cancel the prescription of the City of Waterford.

EVICCTIONS (IRELAND)—JAMES KILLEN, CARDENSTOWN, CO. MEATH.

Mr. A. M. SULLIVAN asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the eviction of James Killen, a tenant on the estate of Mark Antony Levinge, at Cardenstown, county Meath, for non-payment of one year's rent due in respect of the disastrous season of 1879, such rent having been raised in 1872 from £64 8s. 1d. to £100; whether, since the date of the eviction, three policemen have been kept continuously on the premises; whether it is the fact that the district is and has at all times been most peaceable and orderly; and, whether he will state upon what grounds and at whose request these policemen were stationed there, and at whose expense they have since been maintained?

Mr. W. E. FORSTER, in reply, said, that the person referred to in the Question had been evicted for non-payment of one year's rent. He believed it was a fact that such rent had been raised in 1872 from £64 8s. 1d. to £100. Since the date of the eviction three policemen had been kept continuously on the premises in order to protect the caretaker, against whom great animosity was evinced. He was informed by the police that the landlord made an effort to settle amicably with Killen, offering a reduction in the amount due; but the tenant refused it. It was not considered safe to withdraw the police yet.

Mr. R. Power

Mr. A. M. SULLIVAN: The part of the Question with reference to the district being peaceable and orderly has not been answered.

Mr. W. E. FORSTER: Well, I cannot think that can be the case when I find that the life of this caretaker is endangered, and it is necessary to have police to protect him.

Mr. A. M. SULLIVAN: May I ask if it is the practice at Dublin Castle to consider a district disturbed when there has been no disturbance in it for five years?

Mr. W. E. FORSTER: I think the hon. and learned Member must be aware that there is danger in such a case as this, where a very hostile feeling is believed—

Mr. A. M. SULLIVAN: Believed! Will the right hon. Gentleman state on what facts it is believed to be necessary?

Mr. W. E. FORSTER: Would the hon. and learned Member wish us to wait till the man was either injured or killed?

Mr. A. M. SULLIVAN gave Notice that next day he would ask on what grounds the Government had determined to act in this way in a county in which there had been no crime or outrage for many years?

Mr. W. E. FORSTER: I will answer the Question at once. I did not say we had grounds. What I said was that we had reason to believe that the man's life was in danger, and that it was our duty to protect him. I do not think we are called on to give the exact reasons for these proceedings. Acting under our sense of responsibility, we believe that the man would not be safe unless he was protected.

Mr. REDMOND: Did I understand the right hon. Gentleman to state that the police were maintained in this instance at the expense of the district?

Mr. W. E. FORSTER: No.

Mr. REDMOND: At the landlords'?

Mr. W. E. FORSTER: They are maintained in the same way as the other police, at the public expense.

Mr. A. M. SULLIVAN: They are maintained at the expense of the British taxpayer.

POOR LAW RELIEF (IRELAND)—THE SWINFORD UNION.

Mr. O'CONNOR POWER asked the Chief Secretary to the Lord Lieutenant

of Ireland, What is the amount of the loans obtained by the vice guardians of the Swinford Union, on the security of the rateable property of the union, and the purposes to which these loans are applied?

MR. W. E. FORSTER, in reply, said, the amount was £5,894, and the money was expended as part of the ordinary funds of the Union in the administration of the Poor Relief Acts. No reservation was made as to the application of the money to any specific purpose.

ARMY ORGANIZATION—SERGEANT MAJORS OF MILITIA.

SIR JOHN HAY (for Sir HERBERT MAXWELL) asked the Secretary of State for War, Whether Sergeant Majors of Militia battalions will receive the rank of Warrant Officers in common with those of Line battalions; and, if not, whether he does not recognise some cause for dissatisfaction in the rank being withheld from Militia Sergeant Majors who have served in nearly every case much longer than those of the Line battalions?

MR. CHILDERS: Sir, in reply to the right hon. and gallant Baronet, I have to say that those Militia Sergeant Majors who are still serving under their Army engagements will be eligible for the position of Warrant Officer with the rank of Sergeant Major, and that, if confirmed in those appointments and ranks, they will receive the pay allowed for similar positions in the Line battalions of the territorial regiments, being available for all Army duties within the regimental district. But it is not intended to alter the position of those non-commissioned officers of the Militia who are not now serving under their Army engagements; they are in receipt of pensions for their past Army service in addition to their pay, and I cannot admit that they have any cause whatever for dissatisfaction.

THE ROYAL IRISH CONSTABULARY— INSPECTOR SMITH, MOVILLE, CO. DONEGAL.

MR. BIGGAR asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether any complaints have been made against Inspector Smith, R.I.C., of Moville, county Donegal, by the men under his command; whether there is

any objection to grant an inquiry into the complaints alleged; and, if the Government would have any objection to furnish a Return of the duty done by Inspector Smith since his appointment to Moville?

MR. W. E. FORSTER, in reply, said, some complaints had been made against the officer referred to by a sub-constable under his command. The sub-constable subsequently withdrew them in writing. Had they not been withdrawn, they would have been investigated by a Constabulary Court appointed for that purpose. He did not think it necessary to furnish a Return of the duty done by Inspector Smith since his appointment to Moville. He had been in the full performance of his duties except on two occasions of a month each—once on account of sick leave, and once from inability to perform night work.

PROTECTION OF PERSON AND PRO- PERTY (IRELAND) ACT, 1881—PA- TRICK SLATTERY, A PRISONER UNDER THE ACT.

MR. O'DONNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Patrick Slattery who has just been arrested under the Coercion Act in county Clare is the same Patrick Slattery who recently gave evidence at the Parliamentary investigation into the murder of a farmer at Bodyke identifying a member of the constabulary force as having struck the fatal blow?

MR. W. E. FORSTER: Yes, Sir; he is the same person.

MR. O'DONNELL: May I ask the right hon. Gentleman, if the arrest of a witness is intended to encourage the giving of evidence in that country?

[No reply was given to the Question.]

PEACE PRESERVATION (IRELAND) ACT, 1881—GUN LICENCES.

MR. PARNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that Mr. John Kelly, Currowinna, Ballyforan, Ballinasloe, has, on April 26th, been refused a gun licence by Mr. Paul, resident magistrate of his district, although he brought before Mr. Paul recommendations from three respectable gentlemen of his neighbourhood as to character, &c.;

whether Mr. Kelly, when the late Arms Act came into force, delivered up his gun to the police, and in every way complied with the requirements of the Law; whether Mr. Paul said he could not grant him (Kelly) a licence unless he was recommended by two local magistrates, and on its being pointed out to him that there was only one local magistrate in Mr. Kelly's district, and as he was not acquainted with him, he would not therefore recommend him, Mr. Paul then said that he should get a recommendation from the Chief Constable; whether the Chief Constable, on being asked if he knew of any reason why Mr. Kelly should not have a gun, replied that he did not know of anything against his character, but that he would not recommend him; whether he is aware that, in consequence of Mr. Kelly not having his gun, he will lose a considerable part of his crop, as there is a rookery within a quarter of a mile of his farm; and, whether, under these circumstances, he will consider the necessity of the application, and give instructions to the local authorities to grant him a licence?

MR. W. E. FORSTER, in reply, said, it was true that that John Kelly, of Currowinna, Ballinasloe, had been refused a gun licence by Mr. Paul, the resident magistrate of his district. His application was opposed by the parish priest of the district and the Constabulary. Two local magistrates who were on the bench declined to recommend him; and the licensing officer consequently declined, on his own responsibility, to grant him a licence, and he (Mr. W. E. Forster) did not intend to interfere with his discretion.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MICHAEL DONOVAN, A PRISONER UNDER THE ACT.

MR. DALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that on July 14th Mr. Michael Donovan, of Grenagh, near the city of Cork, was arrested at Blarney, Cork, under a warrant charging him

"With having been guilty as accessory of a crime punishable by law, that is to say, unlawfully assembling with others by night, and maliciously assaulting dwelling-houses;"

Mr. Parnell

whether he is aware that the aforesaid Mr. Donovan is a man of nearly sixty years of age, with a large family dependent upon him, and is one of the most extensive farmers in the vicinity; whether he has inquired whether the alleged charge against Mr. Donovan is accurate, and that it does not arise from vindictiveness; whether his attention has been called to Mr. Justice Lawson's words, at the Summer Assizes held at Cork on July 21st, in addressing the Grand Jury of the City of Cork:—

"The best address that a Judge can make to a Grand Jury on an occasion like the present, is when he has very little to say, which I am glad to say is my condition on the present occasion. Your business is almost nil. Two cases stand over from last assizes, and one very small one is to be sent before you which constitute the entire criminal business for these assizes of the City of Cork;"

and, whether, in face of the state of things deposed to by Mr. Justice Lawson, he still maintains the necessity of continuing to deprive the citizens of Cork of their constitutional liberties?

MR. W. E. FORSTER, in reply, said, that the ground of the arrest of Michael Donovan at Blarney, County Cork, was correctly stated in the Question to be "assembling with others by night and maliciously assaulting dwelling-houses." Donovan was 55 years of age, and had a large family depending upon him; but he was a well-to-do farmer. The Government were satisfied of the reasonableness of the suspicion against him before deciding on his arrest. With reference to the Charge of Judge Lawson to the Grand Jury of Cork City, he should observe that his Lordship's remarks on the absence of criminal business were considerably modified by the statement that the Recorder had a short time before tried nearly all the prisoners in custody.

LAW AND JUSTICE (IRELAND)—CUMULATIVE SENTENCES.

MR. PARNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Mr. Hodnett, junior, has been found guilty, at the Petty Sessions, by Mr. Plunkett, the stipendiary magistrate, of six different offences committed in connection with the attempted rescue of Mr. Mahony, and sentenced for each offence to a month's imprisonment, making six months alto-

gether; whether one of the results of this cumulative sentence will be that Mr. Hodnett will have to sleep on a plank bed during the whole period of these six months; and, whether he approves of the infliction of cumulative sentences of imprisonment by Courts of Petty Sessions in Ireland?

MR. W. E. FORSTER, in reply, said, that Mr. Hodnett, junior, on the 4th June, was the leader of a riotous mob at Clonakilty which rescued Mr. O'Mahony from the police, he having been arrested under the Coercion Act. Hodnett was convicted at the petty sessions on the 1st July for assaulting two constables on that occasion, and was sentenced to one month's imprisonment for each assault. The police were again attacked on the 7th June by a mob, led by Hodnett, and he was convicted of assaulting four constables on that occasion, and was sentenced to one month's imprisonment for each assault. The effect of the sentence was that he would have to sleep on a plank bed for one month out of the six months only. It was not his (Mr. Forster's) business to approve or disapprove of these sentences, as the magistrates acted legally, and he could not review their decisions.

MR. PARNELL asked who had the authority to review them?

MR. W. E. FORSTER, in reply, said, the Lord Lieutenant in Ireland, and the Queen in England; but they only interfered in very rare cases.

LAW AND JUSTICE (IRELAND)—CASE OF MARGARET COLEMAN.

MR. PARNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, What was the period for which Mr. Clifford Lloyd originally committed the woman Margaret Coleman to prison in default of finding bail?

MR. W. E. FORSTER, in reply, said, that Margaret Coleman was ordered to find two sureties in £10, and herself in £20, to be of good behaviour for six months. The order was made out at petty sessions and was legal. In default, she was actually imprisoned from the 28th June to the 8th of July, when she was released on bail.

MR. PARNELL asked Mr. Attorney General for Ireland, Whether the order was a legal one, being made out of petty sessions, and as having been passed by one magistrate only?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW), in reply, said, it was quite legal.

EDUCATION DEPARTMENT—TEACHERS' PENSIONS.

MR. BORLASE (for MR. LYULPH STANLEY) asked the Vice President of the Council, Whether, in consideration of the inadequacy of the sum now voted by Parliament for Teachers' Pensions, under Art. 118 of the Education Code, and the consequent distress among the older teachers, who entered upon their duties between 1846 and 1862 in the hope of retiring pensions, under the then existing Minutes of Council, the Government are prepared to recommend a larger vote than the present sum of £6,500 per annum; and, if so, to what extent?

MR. MUNDELLA: Sir, I should personally be very glad to be relieved of an anxious and painful duty in awarding pensions to a limited number of teachers out of the large number who annually apply for assistance from a fund which is totally inadequate. But, after the Report made to this House by Mr. Whitwell's Committee in 1872, I feel that I should not be warranted in holding out hopes that the Government will be able to increase the present Vote. I will promise, however, that during the Recess the whole question shall receive very careful consideration.

NAVY—THE COASTGUARD SERVICE.

SIR JOHN HAY asked the Secretary to the Admiralty, If he would state whether Coastguard Boatmen of good character whose pay was less than £120 a year, and who were compelled to retire because of the reorganisation of their department and abolition of office, are or are not equally entitled to compensation for loss of office under the Superannuation Act of 1859 with the higher paid servants of the same department?

MR. TREVELYAN, in reply, said, the Treasury had always laid down a distinction between public servants paid by salary and those paid by daily wages. They granted compensation on the abolition of office to the salaried class, and not to those who were paid by daily wages. He did not think there was the slightest

chance that the Treasury would reconsider their policy, for which, he thought, there were good and obvious reasons.

ARMY MEDICAL DEPARTMENT—HOSPITAL QUARTERMASTERS.

MR. O'DONNELL asked the Secretary of State for War, Whether he is aware that the Director General of the Army Medical Department represented to the authorities that the title of Hospital Quartermaster is most distasteful to the officers of the Army Hospital Corps, and recommended its abolition or withdrawal; whether he is aware that very many officers of the Army Hospital Corps, not only prefer their present titles as Captains and Lieutenants of Orderlies of the Army Hospital Corps, even though remaining such entails remaining on their old rate of pay and pension, but that they have petitioned the authorities to this effect; whether, if he is unaware of these facts, he will inquire why these representations have not been submitted to him; and, whether, meanwhile, he will order that no officer of the Army Hospital Corps shall be gazetted Hospital Quartermaster pending further inquiry?

MR. CHILDERS: Sir, in reply to the first part of the hon. Member's Question, I have to say that the Director General of the Army Medical Department is himself "one of the authorities" at the War Office with whom I am in constant confidential communication, and that I must decline to state what advice he may from time to time give to me. I must, at the same time, beg the hon. Member not to assume from this answer that his Question is well founded. As to the second part of the Question, I find that two of these officers who belonged to the old class of apothecaries, and one lieutenant of orderlies, have applied to retain their former titles and conditions of service. These three applications have been received since my former answer to the hon. Member, and have been submitted to me in due course. I have not yet decided what action to take upon them. Other applications to retain the old title, but not the old emoluments, have been received; but I have no intention to entertain them. I do not propose to delay the gassetting of the hospital quartermasters.

Mr. Trevelyan

ENDOWED SCHOOLS ACT—THE HULME TRUST.

MR. ARTHUR ARNOLD asked the Vice President of the Council, What is the position of the scheme for the Hulme Trust?

MR. MUNDELLA: Sir, I am glad to say that this important scheme has now passed through all its stages, and only awaits the next meeting of Council, when it will be submitted for Her Majesty's sanction. On receiving this it will become law.

POST OFFICE — POSTMASTERS— DISTRIBUTION OF WAR OFFICE CIRCULAR.

MR. BURT asked the Postmaster General, Whether it is true that all Postmasters are obliged to distribute papers and pamphlets showing the advantages of the Army, and inviting young men to apply to them for forms of application to enlist; and, if so, whether Postmasters are informed before their appointment that, in addition to the regular duties of their own office, they are to distribute papers of this description?

LORD FREDERICK CAVENDISH: Sir, I have been asked by my right hon. Friend—who is compelled by indisposition to be absent—to answer this Question. Placards and circulars connected with the Army and other Government Departments have, on many occasions, been exhibited and distributed at post offices. The Post Office was asked last year by the War Office to have the notices referred to in the Question exhibited; but the arrangement only came into force on the 1st of this month. It is not thought that the exhibiting of a placard, and the handing of a small pamphlet across the counter, can appreciably increase the work of the postmasters. At any rate, I learn from my right hon. Friend that no complaints have reached the Post Office on the subject.

LAW AND JUSTICE (IRELAND)— TRIAL BY JURY.

VISCOUNT FOLKESTONE asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been directed to the Report in the "Times" of 20th July of a case tried

on the Munster Circuit by Judge Barry, which contains the following words:—

"The jury finally announced that there was no chance of their agreeing. Mr. Justice Barry—Well, I hear that with the deepest sorrow; indeed, I might safely say I hear it more in sorrow than in anger. I am sorry for the sake of the country that I have been so long associated with in various ways; I am sorry for the sake of trial by jury, an institution which I prize a great deal more than any of you on the jury can prize it. Let it be understood that the question which is submitted to you being absolutely conceded, and you being sworn on your oaths on the gospel of God to find a verdict according to the evidence, and that evidence not being impeached, the jury of the county of Cork have under the circumstances refused to agree to a verdict. Gentlemen, I have no option but to discharge you;"

and, whether he intends to take steps to remedy this state of affairs?

MR. HEALY wished to ask, before the Question was answered, Whether the Grand Jury at Sligo Assizes had thrown out the bills against Sub-Constables Donnelly and M'Knight and a process server for murder, against Sub-Constable Hayes for manslaughter, and had found true bills against three peasants for riot; and, whether the right hon. Gentleman intended to take any steps to remedy this state of affairs?

MR. W. E. FORSTER, in reply to the hon. Member for Wexford (Mr. Healy), said, it was quite correct that "no bills" were found in the one case, and "true bills" in the other. In reply to the noble Viscount (Viscount Folkestone), there was no reason to doubt that Mr. Justice Barry had used the words attributed to him. But he need not tell the noble Viscount that the Irish Government had no power to control a jury one way or the other.

ARMY (AUXILIARY FORCES) — THE VOLUNTEER REVIEW AT WINDSOR — THE REPORTS.

MR. MACLIVER asked the Secretary of State for War, If he will lay upon the Table the Reports presented to him by the commanding officers at the recent review at Windsor of the Volunteers?

MR. CHILDERS: Sir, in reply to my hon. Friend, I may state that I have received the Report of the general commanding one of the two Army corps, but not the other. When the latter reaches me I will consider whether I can lay them both on the Table; but I do not anticipate any objection.

CONTAGIOUS DISEASES (ANIMALS) ACTS—CATTLE PLAGUE IN RUSSIA.

SIR WALTER B. BARTHELOT asked the Vice President of the Council, Whether his attention has been called to the very serious and widespread outbreak of cattle plague in the Baltic provinces of Russia; and, whether every precaution has been taken against the possibility of its importation into this Country?

MR. MUNDELLA: Sir, no reports have been received of an unusual prevalence of cattle plague (rinderpest) in the Baltic Provinces of Russia. The disease has a constant existence in Russia, and, consequently, the importation of animals from that country is entirely prohibited. The importation of cattle from Germany and Belgium is also prohibited. Siberian plague, which is a form of anthrax, and quite distinct from Cattle Plague, is now prevalent in the Provinces of Novgorod, St. Petersburg, Dorpat, and Riga; but, considering that no animals can be introduced into this country from Russia, and no cattle from Germany and Belgium, there appears little or no probability of the introduction of any contagious cattle disease from Russia into this country.

CORRUPT PRACTICES AT ELECTIONS —THE BOSTON ELECTION.

MR. O'KELLY asked the Secretary of State for the Home Department, Whether it is the case that all the Crown prosecutions for bribery and corrupt practices at Boston have failed in consequence of the juries refusing to convict; and, if he proposes to take any further steps to vindicate the Law?

SIR WILLIAM HARCOURT, in reply, said, he should take no further steps to vindicate the law, which, in this case, would take its course.

LAND LAW (IRELAND) BILL — THE 42ND SECTION AND SECTION 24 OF THE LANDLORD AND TENANT (IRELAND) ACT, 1870.

MR. HEALY asked Mr. Attorney General for Ireland, Whether the repeal of section 24 of the Land Act of 1870 by the 42nd section of the Land Law Bill, in putting an end to the powers of the Court for Land Cases Reserved created by the former section and since

merged by the Judicature Act in the Court of Appeal, ipso facto annuls the code of rules devised by that Court under section 31 of the said Act, and which form the machinery for the working of the whole of that Act; whether the repeal of section 24 involves the repeal of section 31; whether, if said rules will not continue in force, it is not desirable to make some provision for their revival; and, in case they should continue in force, what tribunal will in future have the power of rescinding, annulling, or adding to them, pursuant to the provisions of section 31 already referred to; and, whether it is not desirable to vest the powers created by section 31 in the Land Commission in future?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW), in reply, said, the repeal of the section in question did not in any respect annul the Code of Rules made by the Court for Land Cases Reserved under Section 31 of the Land Act. The Rules would still remain in force. The authority for altering them would be the Court of Appeal. It was, however, under consideration whether it might not be convenient to transfer that power to the Land Commission.

LAND LAW (IRELAND) BILL.

MR. ARTHUR ARNOLD asked the noble Lord the Member for Woodstock (Lord Randolph Churchill), Whether it is his intention to proceed with his Motion with reference to the third reading of the Land Law (Ireland) Bill?

LORD RANDOLPH CHURCHILL, in reply, said, most certainly, if the opportunity arose; but he did not wish to interpose his Motion between that for the third reading and the Motion of which Notice had been given by the right hon. Gentleman the Member for Westminster (Mr. W. H. Smith) to recommit the Bill. If that Motion was not made, he (Lord Randolph Churchill) would make his.

TURKEY (FINANCE, &c.) — TURKISH BONDHOLDERS.

MR. BUXTON asked the Under Secretary of State for Foreign Affairs, Whether it is within the cognizance and has the approval of Her Majesty's Government that a Member of this House is to proceed shortly to Constantinople in the interests and as the representative

of Turkish Bondholders; and, whether the policy of Her Majesty's Government, with regard to the many questions still pending with the Porte as to reforms in Asia Minor and other matters of Imperial interest, will be in any way affected by this attempt to advance the interests of a special and limited class of speculators?

SIR CHARLES W. DILKE: Sir, no notification has been made to Her Majesty's Government, who have not offered any opinion on the matter. The policy of Her Majesty's Government will not be affected in any way.

EDUCATIONAL ENDOWMENTS (SCOTLAND) BILL.

MR. BOLTON asked the Prime Minister, If he can say whether the Educational Endowments (Scotland) Bill is likely to come on this Session; and, if so, at what time?

MR. GLADSTONE: I have, Sir, to apologize for asking more time yet in regard to this question; but if my hon. Friend will be kind enough to give me one or two days, I hope to be able to make a positive statement on the subject. It may be my duty on Monday to make a proposal to the House in regard to the course of Public Business, and I shall then state our intentions with reference to the Bill.

TRADE AND COMMERCE — TREATY ENGAGEMENTS.

SIR H. DRUMMOND WOLFF asked the First Lord of the Treasury, Whether it is in the power of the Government, without the sanction of Parliament, to enter into Treaty engagements with a Foreign State binding this Country for a certain term of years not to increase the duties on goods imported from such State into the United Kingdom; and, inasmuch as the engagements taken by this Country towards France in 1860 were sanctioned by Parliament in consideration of the Treaty engagements contracted by France towards this Country, and as the Treaty has been denounced by France, whether Her Majesty's Government will undertake not to enter into a renewal of our engagements towards France, or to accept any variation of the engagements of France towards this Country, without the sanction of Parliament?

Mr. Healy

MR. GLADSTONE: Sir, I do not believe, with regard to the first portion of the Question, that there are any absolute limits to the power of the Crown to bind the country; but, practically, it is the well-understood usage—and no Government, I apprehend, would depart from it—that where a question of our own fiscal arrangements, or a question of money is involved, invariably the jurisdiction of Parliament is reserved, and covenants of the Treaties are made conditional. That was the case in regard to the Treaty of 1860. Very important changes on our part in the Customs and Excise duties of the country were part of the stipulations of that Treaty, and, therefore, as a matter of course, it came before Parliament. The case is now different. It is quite evident that, under the present negotiations, if they should land us in a Treaty, as I hope may be the case, provided the terms are satisfactory, at the very least, the principal matter would really be the duties to be levied in France; and it is very doubtful whether any question relating to duties in this country would be involved. If it were to be so, the matter would, of course, have to be laid before Parliament. If it were not so, I am not sure that we could undertake in the terms here specified—

“Not to enter into a renewal of our engagements towards France, or to accept any variation of the engagements of France towards this country without the sanction of Parliament.”

I think that would be an engagement which is not supported by precedent, and which would be of inconvenient consequences. We are under great responsibility in this matter to be sure as to the ground under our feet—as to the state of public opinion, and the views of those interested and competent to judge. I do not believe we are likely to do wrong in that respect, or to go in advance of public opinion; but I do not think we can enter into any engagement in the matter at the present moment.

SIR H. DRUMMOND WOLFF said, the object of his Question was this. In 1860 it was necessary that the Treaty should be laid before Parliament, inasmuch as the duties in England had to be lowered; but if an arrangement were now made with France that the existing duties should be retained for a certain number of years against new variations to be introduced into the French Tariff,

it was perfectly plain that the conditions on which the Treaty of 1860 was based would be changed; and he wished to ask the right hon. Gentleman, if, in consequence of that change, he would lay the new Treaty before Parliament previous to its ratification?

MR. GLADSTONE: That is rather a nice question, Sir; but I am afraid I cannot enter into any engagement beyond what I have said. I think we have been very cautious not to proceed without ascertaining our ground, and we shall continue to be so.

MR. NEWDEGATE said, he wished to put a Question to the Prime Minister arising out of the proceedings of the House in 1860. In that year, the Treaty with France involved an alteration of existing duties. He wished to ask the right hon. Gentleman, whether the answer he had just given, with respect to reserving the functions of the House, was to be understood to extend to reserving the power of imposing duties, as well as of altering existing duties, in accordance with any agreement contemplated by the Government with France?

MR. GLADSTONE said, that, as a matter of course, in a negotiation of this kind, if the power of Parliament was reserved, that reservation would preserve the power of Parliament intact and entire, either to lower, raise, or do anything else.

PARLIAMENT—PUBLIC BUSINESS.

MR. ARTHUR O'CONNOR asked the Prime Minister, what would be the course of Public Business to-morrow; whether he had in contemplation to make any exceptional proposal with regard to the Business of Supply, and what would be the order of the different Departments?

MR. GLADSTONE, in reply, said, that with regard to the order of Supply, they would proceed with the Civil Service Votes to-morrow; presuming they were able to achieve the third reading of the Land Bill to-night, as they all seemed to hope, the Business would be Supply. He thought, perhaps, that that statement almost dispensed with the necessity at the present time for any further explanation.

SIR JOHN HAY asked, whether it was the intention of the Government to take the 27 Votes of the Army Estimates,

or the four Votes of the Navy Estimates first?

MR. GLADSTONE, in reply, said, he believed the Army Votes were of greater urgency than those of the Navy. Notice of the intentions of the Government in this respect would, however, be given in the course of the evening.

MR. CALLAN asked the Prime Minister, whether it was the intention of the Government to re-commit the Land Bill after Report for the purpose of enabling the right hon. Gentleman the Member for Westminster (Mr. W. H. Smith) to move the insertion of the clause of which he had given Notice? He put the Question, because, if this were the intention of the Government, his hon. Friends wished to move the insertion of clauses respecting the labourers.

MR. GLADSTONE, in reply, said, there was no Question at all before the House for the re-committal of the Bill, except the limited Question of the right hon. Gentleman opposite. The proposal of the re-committal would be over the clause relating to the retirement of the Commissioners, enabling a discussion to be taken upon it, and for no other purpose whatever. It would in no way reopen the whole subject of the Bill.

MR. CALLAN asked, whether it would not be open to any hon. Member to move an Amendment upon the clause intended to be moved by the right hon. Member for Westminster? He would suggest that the Instruction could be amended, in order to include the Question he had indicated.

MR. GLADSTONE: The prospect which the hon. Member holds out is really so grave, and I might almost say so appalling, that I do not know what answer to make; but I really hope that when the time comes, he will be in a more reasonable frame of mind. No doubt, he has the abstract right to move to extend the purpose for which the Bill is being re-committed, but I trust that he will not exercise it.

RIVERS CONSERVANCY AND FLOODS PREVENTION BILL.

MR. HENEAGE asked the First Lord of the Treasury, Whether he is in a position to state definitely for the convenience of Members, at this late period of the Session, whether it is the intention of the Government to proceed

with the Rivers Conservancy and Floods Prevention Bill this Session?

MR. ARTHUR ARNOLD said, he also wished to put a Question on this subject to the Prime Minister, and he hoped the right hon. Gentleman would forgive him (Mr. Arnold) for doing so without Notice, because he had never put one Question to him before. Was it not the case that the right hon. Gentleman had received a Memorial in relation to the Bill, signed by a large number of Members of all Parties of the House, begging him to proceed with the measure; whether the signatures of those in favour were not of a greater value than those of hon. Members opposed to the Bill on the ground of the inconvenience which would result from the postponement of the holidays; and, whether it would not be a circumstance almost without precedent for the Government to abandon a measure of this importance, which had passed the House of Lords, had been read a second time in that House, and been approved of by two Select Committees?

MR. GLADSTONE: Sir, it will, undoubtedly, be admitted by all persons whatsoever that this Bill has a considerable advantage in having passed the House of Lords, in having been approved by two Select Committees, and in having reached a certain stage in this House. At the same time, I am under a pledge to the House not to proceed with any measures which are not absolutely necessary. The shock of arms between opposing parties in relation to this Bill is very interesting; but, at this period of the Session, I may remind hon. Members that it is absolutely necessary that we should make rapid progress with Public Business. I must ask the indulgence of both the hon. Members in this matter, seeing that it is under the careful consideration of the right hon. Gentleman the President of the Local Government Board. I will give a more definite answer to the Questions of the hon. Members on Monday next.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—THOMAS CONNELLY, A PRISONER UNDER THE ACT.

MR. T. P. O'CONNOR asked the Chief Secretary to the Lord Lieutenant of Ire-

Sir John Hay

land, Whether it is true that Thomas Connely, of Rosmuck, county Galway, was on the 16th instant arrested under the Coercion Act on a charge of intimidation; whether he is aware that Mr. Connely is an old and feeble man of advanced years, and of good character and peaceable disposition; whether in consequence of his arrest there is no one at home to look after his holding but his son and daughter, who are both deaf and dumb, and their mother, a very old woman; and, whether, as there is no case of intimidation known to have occurred in the neighbourhood of Rosmuck, he will state the real cause for the arrest of a man so far advanced in years as Mr. Connely is?

MR. W. E. FORSTER, in reply, said, the person named in the Question was arrested under the Coercion Act at Rosmuck, in the County Galway, on the 15th instant. He was reasonably suspected of having intimidated a certain person for the purpose of compelling him to give up possession of a farm. He was informed that Connolly was only 60 years of age, and was strong and active. He was of a quarrelsome disposition, having been convicted in April last of having used threatening and abusive language. His holding was now managed by his wife, who was a strong, healthy woman, of the same age, and his son and daughter, who were, as stated, both deaf and dumb. They were accustomed to managing the farm. The locality of Rosmuck, he was informed, was one of the most lawless in the Oughterard district.

MR. T. P. O'CONNOR said, he was informed the man was over 80 years of age, and he should feel obliged if the right hon. Gentleman would make further inquiries on the subject.

PEACE PRESERVATION (IRELAND) ACT, 1881—MR. MATTHEW HARRIS, A PRISONER UNDER THE ACT.

MR. O'KELLY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the charge against Mr. Matthew Harris, now in Galway Gaol, committed on the 16th April under the Peace Preservation Act, be that he is "suspected of inciting others to assault and injure a certain person;" and, if so, whether His Excellency the Lord Lieutenant had all the facts put before him upon which this charge is founded; if said informa-

tion was supplied to His Excellency previous to his deciding that the term of Mr. Harris' imprisonment should extend beyond three months, as communicated to Mr. Harris on the 18th instant; if a verbatim Report, taken by a competent person at the time the supposed offence was thought to have been committed, was given to His Excellency; and, would the Government give information as to whether the "certain person" that Mr. Harris is suspected of inciting others to "assault and injure" has up to the present time been assaulted or injured; and, if not, whether that circumstance was made known to His Excellency?

MR. W. E. FORSTER, in reply, said, the warrant upon which Mr. Harris was imprisoned in Galway Gaol set forth that he was reasonably suspected of inciting others to commit an assault. He (Mr. Forster), as the hon. Member was aware, could not enter upon the general grounds of the arrest, and he could not give any more complete answer to the Question without doing so.

ORDER OF THE DAY.

LAND LAW (IRELAND) BILL.—[BILL 225.]
(Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.)

CONSIDERATION. [ADJOURNED DEBATE.]
[THIRD NIGHT.]

Further Proceeding on Consideration, as amended, resumed.

Clause 44 (Service of civil bill processes and limitation of costs).

Amendment proposed,

In page 28, line 8, after the word "action," to insert the words "for the recovery of rent, or."—(Mr. Healy.)

Question again proposed, "That those words be there inserted."

MR. GIBSON, resuming the debate, said, the Amendment was opposed to fairness and justice, and he asked the House, without hesitation, to decline it. The Government had over and over again refused to allow the landlords to be placed in a worse position as regarded the recovery of their rent than other creditors occupied; and unless it was to be laid down that the landlord creditor was to be treated exceptionally, and

have no consideration—that he was to be penalized and treated as an outlaw—he could not see the object of the Amendment. It would affect the existing law in an unsatisfactory manner, inasmuch as at present there was a discretion vested in the Court as to granting costs, which the Amendment would, in some cases, fetter and confuse; but he should not base his opposition to it on technicalities. He took his stand on the broad basis of justice. The landlord was entitled as a creditor to deal with his debtor like any other member of the community, and therefore he asked the Government to adhere to the rules which they had laid down over and over again, and to decline to accept the proposal.

MR. LEAMY thought that the advantages conferred by the Amendment were so apparent that the case did not require argument. It simply provided that if the Judge declared that an action by a landlord in a Superior Court for the recovery of rent should have been brought in an inferior Court, the landlord should not be entitled to costs.

MR. MARUM said, he would remind the House that yesterday the Government assented to this Amendment.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) asked the indulgence of the House while he made an explanation on the matter. As he stated yesterday, he accepted the Amendment, because he was under the impression that it made no material alteration in the existing law. He now found that it did make such a change; but he thought they might adjust the matter so as to meet the views of all reasonable persons. The Amendment under consideration would operate unfairly in actions for sums over £20. He should, therefore, propose a new Amendment which would limit the clause to actions for sums not exceeding £20.

Amendment proposed to the said proposed Amendment, after the word “rent,” to insert the words “not exceeding twenty pounds.”—(*Mr. Attorney General for Ireland.*)

Question proposed, “That those words be there inserted.”

MR. PARNELL said, he was sorry the Government had not adhered to their original determination. He asked the right hon. and learned Gentleman the Attorney General for Ireland yesterday

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whether under the Bill, when it became law, the Court would have power to stay actions for the recovery of rent instituted in a Superior Court or otherwise, under a writ of *fiat facias*? The right hon. and learned Gentleman stated the Court had no such power, and consequently, after the passing of the Bill, it would be possible for a landlord, where no application had been made by the tenant to the Court in regard to the fixing of a rent, to issue such a writ for arrears. Under such circumstances, was it not reasonable to suppose that many landlords would evade the provisions of the Bill, and would proceed in that way against the tenants where no application had been made? That was such a plain injustice, that he thought the Government ought to re-consider the matter and accept the Amendment as it was originally proposed.

SIR JOSEPH M'KENNA said, he failed to see, even from the landlord's point of view, any reasonable objection there could be to the Amendment of the hon. Member for Wexford (Mr. Healy), which was to discourage the bringing of actions to the Superior Courts, which could be as well tried in the Inferior Courts, and at much less cost. He hoped the Amendment would be agreed to.

MR. P. MARTIN said, he deeply regretted that the Government proposed to modify their concession on this point. He thought they had paid too much attention to the vehement speeches made by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson), and saw no reason why the clause should be limited to actions under £20. He trusted the right hon. and learned Gentleman the Attorney General for Ireland would not insist upon the limitation. In fact, the Amendment of the hon. Member for Wexford proposed in part to embody in the clauses the spirit and intention of the Limitation of Costs Bill which had passed the Houses last Session. It was not right the landlord should, except unless special circumstances, cast on the tenant the burden of costs incidental to proceedings in the Superior Courts, when the law had given him the power of suit in the County Court.

MR. LEWIS thought the proposal of the right hon. and learned Attorney General for Ireland was a very fair one. It covered the whole ground, and would secure the tenant against being unduly

harassed by the landlord in respect of costs.

MR. GLADSTONE said, he thought the question was not being argued on the most important grounds. It was not whether the amount should be £20 or £50; and if they were debating whether to raise the sum, he should be inclined to take the view of the hon. Member for Wexford (Mr. Healy). The question he had to consider was, first of all, whether it was just; and, in the second place, whether, in the present state of feeling, it was politic, for the sake of this rather limited but not unimportant matter, to introduce a distinction between the power of the landlord in regard to the recovery of what was due to him and the power of other creditors. The Bill had to undergo another ordeal after it left the House of Commons, for it would be subjected to a scrutiny in "another place," and would be examined from the landlords' point of view; and what he felt in point of policy was this. It was very doubtful policy for the Government, for the sake of such an object as the hon. Member for Wexford had in view, to send the Bill to the House of Lords with an enactment, introducing into the Bill, for the first time, a distinction which placed the landlord at a disadvantage in comparison with other creditors. What they had to look at was the interest of the whole Bill, and not whether they had a preference for this or that particular form of law on a matter of secondary importance. If the hon. Member's alteration was accepted, an exaggerated importance would be attached to the proposal, and the whole credit of the Bill might be seriously impaired from the discovery of what might be a slight provision, but what would apparently indicate a spirit of inequality and even injustice. Under those circumstances, they felt bound, in the interests of the Bill—and he did not deny in the interest of justice also—to support the Amendment of his right hon. and learned Friend the Attorney General for Ireland.

MR. HEALY said, with respect to the reference of the right hon. Gentleman the Prime Minister regarding "another place," he would ask him "to be just and fear not." The substance of the Prime Minister's contention was, that because the House of Lords had to deal

with the Bill, justice was not to be done to the tenants of Ireland. It was not a fact that landlords would be in a worse position than other creditors. In the foregoing part of the clause they were put in a position whereby they would be able to get out their writs in a manner that ordinary persons could not. The Government were swallowing their previous doctrine because they were attacked by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson). They changed their front, and their conduct was not likely to gain for them the respect of the Irish Members. He would far rather strike out his Amendment than have it altered in the way the right hon. and learned Gentleman the Attorney General for Ireland proposed. As the clause stood there was, at least, a presumption in the tenant's favour. He should be prepared to move that £100 stand for £20 in the right hon. and learned Gentleman's Amendment.

MR. LEAMY said, the law had already granted facilities to the landlord, and he should be compelled to exercise his privileges, subject to special limitations.

MR. SPEAKER said, the most convenient course would be to put the Amendment of the right hon. and learned Attorney General for Ireland to the House; and after that question was decided, the hon. Member for Wexford (Mr. Healy) could move the further Amendment he announced his intention of moving.

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) explained that the landlord had two remedies for rent in arrear, one being ejectment, and the other the recovery of a debt, as to which he was placed in the same position as any other creditor. When the Amendment of the hon. Member for Wexford (Mr. Healy) was accepted in Committee, it was believed to be merely a declaration of the law with reference to ordinary debts, but it turned out not to be so; accordingly, it was proposed to bring the case of rent as nearly as possible to that of any other debt by introducing the limitation of £20. Perhaps the better alternative might be, as suggested by the hon. Member for Wexford, to omit the Amendment which had been accepted from the hon. Member.

[Third Night.]

Question put.

The House *divided*:—Ayes 247 ;
Noes 39 : Majority 208.—(Div. List,
No. 339.)

Amendment, as amended, *agreed to*.

Amendment made, in page 28, line
11, after the word "such," by inserting
the words "rent or."

MR. PARNELL moved to add to the
Clause—

"And whenever an action for the recovery of
rent shall have been taken before or after an
application to fix a judicial rent, and shall be
pending before such an application is disposed
of, the Court before which such action is pend-
ing shall have power, on such terms and condi-
tions as the Court may direct, to postpone or
suspend such action until the termination of the
proceeding to fix such judicial rent."

The hon. Member said that the Amend-
ment was intended to supply a deficiency
as regarded the power of the Court to
suspend proceedings where an applica-
tion was made to fix a judicial rent. If
the Bill passed as it now stood, a land-
lord, in the case of a tenancy where a
judicial rent had not been fixed, even
though the application might have been
made to the Court appointed under the
Act, might sue his tenant for even six
months' rent, if it were due, and might
obtain judgment in any Court—a Civil
Bill Court or a Superior Court—and if
the judgment were not satisfied within a
very limited time—he thought it was two
days—the landlord might proceed to sell
the whole of the interest of the tenant
in his holding. Unless some provision
of the nature he proposed were inserted,
they would find landlords suing tenants
for rent, with the sole object of getting
rid of them.

Amendment proposed,

In page 28, line 15, at end of Clause 44, to insert
the words "and whenever an action for the re-
covery of rent shall have been taken before or
after an application to fix a judicial rent, and shall
be pending before such application is disposed of,
the Court before which such action is pending
shall have power, on such terms and conditions
as the Court may direct, to postpone or suspend
such action until the termination of the pro-
ceedings to fix such judicial rent."—(Mr.
Parnell.)

Question proposed, "That those words
be there inserted."

THE ATTORNEY GENERAL FOR
IRELAND (Mr. LAW) thought the
principle of the Amendment was not un-
fair. The hon. Member for the City of
Cork (Mr. Parnell) seemed to fear that

the tenant might be sued for his arrears
of rent, a judgment be obtained against
him in respect thereof, and the tenancy
sold before the judicial rent could be fixed.
Well, that was a matter that might,
he thought, be dealt with in the Bill,
for no one could desire that the general
operation of the Act should be defeated
in the indirect way pointed out by the
hon. Member; but, on the other hand,
a permanent enactment of this kind
would hardly be necessary or desirable.
What the hon. Member desired to meet
was a present emergency, and to prevent
the hardship of the tenant being de-
prived of his holding before he could
have the benefit of the Act. If the hon.
Member would qualify his Amendment
by limiting the actions brought for rent
within a reasonable period—say within
six months after the passing of the Act,
which would give everyone an opportu-
nity of applying to have the judicial rent
fixed—he (the Attorney General for Ire-
land) would be disposed to consider it
favourably.

MR. PARNELL asked the right hon.
and learned Gentleman to limit the
period to 12 months, because many of
the tenants would probably wait to see
what the Court could do for them before
applying to it in large numbers.

MR. GIBSON said, he was astonished
at the Government's acceptance of the
Amendment. It was out of place, had
been moved without Notice, and was
one which would penalize the position of
the landlord alone of all creditors. It
did not seek to interfere with the land-
lord's right of ejectment; but it picked
out the landlord alone of all creditors,
and said if he allowed a tenant to re-
main in occupation, declining to sue,
and came before the ordinary Courts of
the country and obtained judgment for
the rent due as a creditor, the Court
within a time not fixed by the Govern-
ment, would be able to say—"We will
arrest your process and will compel you
to wait for some indefinite period before
receiving your rent of your debtor." At
the same time, any other creditors of
the tenant could take means to enforce
payment of what was due to them, and
might sell the tenant's interest in his
farm. Where was the justice of that?
Were they going to leave the banker,
the village money-lender, and any other
creditor free to sell out the tenant, and
only stop short at the landlord? This

was an Amendment to which he could give no assent, either in principle or detail, and he should offer it his most strenuous and persistent opposition.

MR. W. E. FORSTER said, the right hon. and learned Gentleman (Mr. Gibson) had evidently exaggerated the effect of the Amendment. He (Mr. Forster) understood that what was proposed was in accordance with other provisions of the Bill by which they had determined that the landlord should not be able to eject a tenant from the occupation of the land without the tenant having had the opportunity of appealing to have a judicial rent fixed, and to get the rent lowered if the Court so determined. There could be nothing unfair in passing this clause, which would merely hold the proceedings of the landlord in abeyance until the judicial rent was fixed. He had supposed that the Government had covered all the cases by which the landlord could eject a tenant; but it now appeared that the hon. Member for the City of Cork (Mr. Parnell) thought there was a mode by which a landlord could get hold of the land, which was not covered by the Bill at present, a mode by which a landlord would be able to get rid of a tenant without the latter being able to get the advantages of the judicial rent. He (Mr. Forster) thought it would be fair to meet the case contemplated by the hon. Member for the City of Cork by adopting the suggestion of his right hon. and learned Friend the Attorney General for Ireland. It was a principle he thought the right hon. and learned Gentleman opposite (Mr. Gibson) had assented to, and he could not see, therefore, why he should so strongly object to it.

SIR JOSEPH M'KENNA thought that under the circumstances contemplated they ought to protect the tenant from every creditor. He had no objection to the landlords being tied up, if the other creditors were also tied up; but if a tenant was sold out by any other than the landlord, then the landlord's claim should be considered prior to that of any other creditor in the distribution. He would suggest, therefore, that words should be added to protect the interest in the holding of a tenant who had given notice to have a judicial rent fixed, from execution at the hands of other creditors.

MR. GLADSTONE said, there had been no such disposition on the part of

the Government to adopt a violent course as the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) seemed to suppose. Therefore, he could not see the necessity for the right hon. and learned Gentleman getting on the high horse, and asserting himself with such vehemence as he had done on the subject of that Amendment. He (Mr. Gladstone) knew that he was struck, and that all the Members of the Government were struck, with the argument that the Amendment of his right hon. and learned Friend the Attorney General for Ireland, as it stood, did not adequately protect the tenant in all cases, and that there was evidently something equitable in the hon. Member for the City of Cork's (Mr. Parnell's) Amendment, and that it ought to be extended to the case of all other creditors. His right hon. and learned Friend the Attorney General for Ireland was considering whether there ought not to be some other changes made; and, viewing the matter in that light, they did not consider the Amendment adversely. The effect would be that the sale of a tenancy would be prevented, and the main assets which the tenant would have to enable him to discharge a debt would be probated, and put in a proper condition for protection. There would be a power to put the assets in the best condition for the tenant. Taking the Amendment of the hon. Member for the City of Cork as their raw material, the Government would propose, in the first place, to make it a temporary provision; in the second place, to limit the power of the Court to the stopping of the action only in so far as to prevent the sale of the tenancy until after the judicial rent was fixed; and, thirdly, to provide that the enactment should apply to every case where this form of action was brought, and not merely in the case when it was brought by the landlord.

THE SOLICITOR GENERAL (SIR FARRER HERSCHELL) said, that the proposal had better stand over so that it might be added to Clause 53, thus affording time for adjustment to the phraseology.

SIR STAFFORD NORTHCOTE asked whether it was the intention of Her Majesty's Government to make this Amendment applicable to all tenancies, irrespective of their annual value?

MR. GLADSTONE assented.

[Third Night.]

MR. PARNELL said, he would withdraw his Amendment on the understanding suggested.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 45 (Existence of Land Commission not to create vested interests).

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved, as an Amendment, to insert words entitling the Judicial Commissioner to a pension.

Amendment proposed,

In page 28, line 16, after "of," insert "the Land Commission other than the Judicial Commissioner, or an Assistant Commissioner."—(Mr. Attorney General for Ireland.)

Question proposed, "That those words be there inserted."

MR. HEALY said, he could not understand why the principal Commissioners other than the Judicial Commissioner should not have pensions.

MR. GIBSON said, he would like to know what was meant by providing that one Assistant Commissioner was to get a superannuation. At first there was nothing about superannuation in the Bill; then the Judicial Commissioner crept in, and, of course, he must, like all other Judges, be entitled to superannuation.

MR. GLADSTONE said, the Amendment wanted the word "being" before "an Assistant Commissioner."

Amendment *amended*, by adding the word "being," and *agreed to*.

Clause, as amended, *agreed to*.

Clause 46 (Annual report by Land Commission).

MR. MITCHELL HENRY, in moving, as an Amendment, in page 28, lines 20 and 21, to leave out the words "after the year one thousand eight hundred and eighty-one," said, he did so for the purpose of asking the Government whether they would instruct the Commission to make a preliminary Report during next Session?

MR. GLADSTONE said, it was best to leave the matter to the discretion of the Commissioners. The Government would take care to bring the subject under their consideration.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 47 (Arrears of rent how dealt with).

On Motion of Mr. ATTORNEY GENERAL for IRELAND, the following Amendments made:—In page 28, line 28, after "that," insert "the;" line 41, print from "whenever," as a new paragraph; line 3, leave out from "such," to "and," in line 4; line 4, after "tenant," insert "had not been so erected for his;" line 4, leave out "still in occupation;" after line 31, insert as a separate paragraph,—

"The omission or refusal by either landlord or tenant of any holding to join with the other of them in obtaining a loan from the Land Commission under this section shall not prejudice any other application or proceeding which either of them may make or institute under this Act or 'The Landlord and Tenant (Ireland) Act, 1870,' in relation to the holding."

MR. HEALY moved, at end of clause, the insertion of a long sub-section, with the object of providing that in case of arrears they should be reckoned on the basis of the judicial rent.

Amendment proposed,

In page 30, line 7, at end of Clause 47, to insert the words,— "Provided always, That if the landlord of any tenant of a holding valued at or under fifty pounds, who, at the passing of this Act, shall be in arrears, shall refuse to join such tenant in an application to the Court respecting arrears, then, if the tenant applies to the Court to fix a judicial rent, and the judicial rent so fixed is less than the rent payable by the tenant at the date of such application, the Court may, if it think fit, certify that such former rent was an excessive rent, and thereupon such arrears shall be deemed to be reduced to such an amount as would have been due had only such judicial rent been payable from the date when such arrears commenced to accrue, and the payment or tender of such reduced amount shall be a sufficient answer to any proceeding for or founded upon such arrears in any court of law or equity."—(Mr. Healy.)

Question proposed, "That those words be there inserted."

MR. W. E. FORSTER asked Mr. Speaker, whether the Amendment was in Order, the House having already agreed to a section which provided that the refusal of either party to join in an application under the Arrears Clause should not prejudice any future proceedings by the other party?

MR. SPEAKER, in reply, intimated that it was competent for the hon. Member to move his Amendment, and that the objection taken by the right hon. Gentleman was rather a matter of argument than a point of Order.

MR. W. E. FORSTER said, the Government could not agree to the Amendment for the reasons stated by him in Committee—namely, that they could not consent to any compulsory proposal for dealing with arrears. It would not be just or expedient compulsorily to diminish the debt owing to a man; and he was sure that it would be useless for any such proposal to be accepted by the House after what had happened “elsewhere.” It would, moreover, put the man who had paid his rent in a most unfair position as compared with the man who owed it.

MR. MACFARLANE said, there would be some ground for the argument of the right hon. Gentleman the Chief Secretary for Ireland if the only penalty falling on the tenant was the payment of his debt; but the penalty would be considerably heavier, for he would lose the benefit of the Act. If the tenant had been paying a reasonable rent previously, he would not have allowed arrears to accrue at all, and therefore it was only just to give him some substantial relief in respect of what had become due through no fault of his own. He thought at that stage of the Bill, and after a certain amount of concession had been made by the Government, there was no use in taking up a long time in that discussion.

MR. DAWSON believed the whole *raison d'être* of the Bill was that the tenants of Ireland had been unfairly rented, and therefore he did not see why the Government should object to deal more liberally than they had done with the subject of arrears.

MR. GLADSTONE said, the Government had gone to the length of their tether with regard to arrears, and could not go back upon the reduction of debts due before the passing of the Act. If any of the unjust or unfortunate transactions that had occurred previously were to be corrected, they should be corrected universally.

MR. HEALY, in withdrawing the Amendment, took occasion to observe that the right hon. Gentleman the Chief Secretary for Ireland's manner of meeting it by appealing on a point of Order to the Speaker was very characteristic indeed.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 49 (Definitions).

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) moved an Amendment extending the definition of present tenancies to every tenancy

“Created before the 1st of January, 1883, in a holding in which a tenancy was subsisting at the time of this passing of the Act.”

Amendment proposed,

In page 31, line 17, after the word “Act,” to insert the words “or created before the first day of January, one thousand eight hundred and eighty-three, in a holding in which a tenancy was subsisting at the time of the passing of this Act.”—(Mr. Attorney General for Ireland.)

Question proposed, “That those words be there inserted.”

MR. HEALY moved to amend the Amendment by inserting, after “subsisting,” the words “or the tenant is in possession.” He explained that the object of the Amendment was to provide against the application of the clause to holdings acquired by the landlord through the instrumentality of sheriffs' sales, for instance.

Amendment proposed to the said proposed Amendment,

In line 3, after the word “subsisting,” to insert the words “or the tenant is in possession.”—(Mr. Healy.)

Question proposed, “That those words be there inserted.”

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, if the landlord bought the holding there would be an end to the matter, and if anybody else bought it he would be protected by the Amendment.

MR. MITCHELL HENRY said, the mistaken tactics of the Land League were now being exhibited by hon. Members opposite. Farmers had been induced to allow their farms to be sold over their heads, and when the Bill passed would find themselves in great difficulty.

Question put, and *negatived*.

Original Question again proposed.

MR. GIBSON complained that the insertion of these words would give a great extension to the meaning of a present tenancy and that they were larger than had been asked for by Irish Members below the Gangway. It would put into the position of a present ten-

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ant, the holder of every tenancy created before the 1st of January, 1883, and that was six months longer than some of the Irish Members had proposed. The effect of that would be that it would operate most unfairly towards the landlord in the case of a tenancy ceasing before the proposed date. The landlord, in such a case, would either have to hold the land in his own hands, or let it to a tenant, who, the day after, would be in the position of a present tenant, and be able to bring the landlord into Court in order to have a judicial rent fixed. He urged that, at all events, the time should be limited to 12 months after the passing of the Act.

Question put, and *agreed to*.

MR. MARUM moved to add to the Amendment the words "or had been subsisting within 12 months previously."

Amendment proposed,

At the end of the foregoing Amendment, to insert the words "or had been subsisting within twelve months previously."—(*Mr. Marum*.)

Question proposed, "That those words be there inserted."

MR. HEALY thought the promise of the Prime Minister had not been fulfilled by the Amendment of the right hon. and learned Gentleman the Attorney General for Ireland. The right hon. Gentleman distinctly stated that in no holding, in respect of which a breach of condition had been committed before the Bill became law, should a future tenancy be created without an interval having elapsed. That promise was not carried out in the Amendment.

MR. GLADSTONE said, he would at once acknowledge the hon. Member's (Mr. Healy's) capacity for ingenious argument; but could assure him that not only could no breach of covenant committed before the passing of the Act be made the foundation of a future tenancy, but that some breaches of covenant committed after the passing of the Act should not lead to the growth of a future tenancy.

MR. PARNELL said, he did not think the Amendment provided for the large number of evicted for whom he and his hon. Friend (Mr. Healy) had been pleading. The tenants he more particularly referred to were those who would be assisted by the Arrears Clause,

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and enabled to make an arrangement with the landlord to pay portion of the arrears themselves and borrow another portion. He had hoped they would be able to come in as present tenants, and have the advantage of Clause 7; but it appeared to him that the Amendment of the right hon. and learned Gentleman the Attorney General for Ireland provided nothing of the kind, because those tenants would not be tenants existing at the passing of the Act.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, a man must be a tenant to apply under the Arrears Clause, and if he was a tenant, he was a present tenant. If he had been evicted, but retained his right of redemption, then also he was still a tenant.

Question put, and *negatived*.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) moved the following addition to the same sub-section:—

"Every tenancy to which this Act applies shall be deemed to be a present tenancy until the contrary is proved."

The right hon. and learned Gentleman said it was reasonable when they started with present tenancies to presume that every tenant was a present tenant until the contrary was established.

Amendment proposed,

In page 31, line 17, at end, add "and every tenancy to which this Act applies shall be deemed to be a present tenancy until the contrary is proved."—(*Mr. Attorney General for Ireland*.)

Question proposed, "That those words be there added."

MR. PLUNKET thought it was unfair to establish such a presumption against the landlord. It would be far easier for the tenant to obtain evidence in his favour than for the landlord, and the Amendment was therefore unnecessary.

Question put, and *agreed to*; words *inserted* accordingly.

MR. PARNELL moved the following extension of "the present tenancy" definition:—

"Or a tenancy beginning after the passing of this Act, in respect of which it shall be mutually agreed between the landlord and tenant that it shall be a present tenancy."

Amendment proposed,

In page 31, line 17, after the word "Act," to insert the words "or a tenancy beginning after the passing of this Act in respect of which it

shall be mutually agreed between the landlord and tenant that it shall be a present tenancy."—(*Mr. Parnell.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) declined to accept the Amendment, observing that the Government had already gone quite far enough in the direction pointed out by the hon. Member for the City of Cork.

MR. LEAMY said, the Amendment was intended to enable any landlord who thought fit to reinstate as a present tenant any person who had been a tenant of his, but who would not be a tenant at the passing of the Act. Surely, there could be no objection to it, for it was not in any sense obligatory; and he thought if a landlord wished to restore a tenant and confer a present tenancy upon him he should be at liberty to do so.

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, that all the cases which the Bill intended to meet were met, and it would be unreasonable to accept a proposal the terms of which were perfectly unlimited, and might apply to cases occurring at any time. If a tenant was evicted six months before the passing of the Act he had the right of redemption, and therefore was a present tenant.

MR. DAWSON said, the Bill was said to be pervaded by the great spirit of freedom of contract; and, if so, why not allow a landlord to make a contract which would be favourable to the tenant and agreeable to himself? By not doing so, they would be limiting the freedom of contract they were so anxious to uphold.

MR. HEALY said, the Amendment was much more important than the Government seemed to suppose. It was one which would be followed by results entering into the national life of Ireland, and he ventured to think that even the right hon. and learned Gentleman the Member for Dublin University (Mr. Gibson), who was always ready to mount the war horse and charge the Government Benches, would scarcely object to the liberty which it proposed to confer upon the landlord, seeing that it would enable him to do in a cheap way what he could now only do by an expensive deed. Freedom of contract was their battle cry at the present moment.

MR. GLADSTONE pointed out that the unlimited character of the Amendment would enable tenancies to pass backward and forward into and out of the condition of a present tenancy any number of times. That seemed to him more like confusion than order, and it was a state of things they did not like to create.

Amendment, by leave, *withdrawn.*

On Motion of Mr. ATTORNEY GENERAL for IRELAND, Amendment made, in page 31, line 18, after "means," insert "except as aforesaid."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved, in page 31, line 30, to insert as a separate paragraph—

"Landed Property Improvement (Ireland) Acts' means the Act of the session of the tenth and eleventh years of the reign of Her present Majesty, chapter thirty-two, intituled 'An Act to facilitate the Improvement of Landed Property in Ireland, and any Acts amending or extending the same.'"

Amendment *agreed to*; words *inserted* accordingly.

MR. GIBSON moved, in page 31, line 35, after "Act," to insert—

"And 'The Landlord and Tenant (Ireland) Act, 1870,' except in so far as the same is expressly altered or varied by this Act or is inconsistent therewith, and this Act shall be construed together as one Act."

Amendment *agreed to*; words *inserted* accordingly.

Clause, as amended, *agreed to.*

Clause 50 (Rules as to determination of tenancy)

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved the following Amendment to the clause:—In page 32, line 3, insert as separate subsection (2)—

(2) "Where the landlord has resumed possession of a tenancy from a present tenant, he may, if he thinks fit so to do, reinstate such tenant in his holding as a present tenant; and therefrom such tenancy shall again become subject to all the provisions of this Act which are applicable to present tenancies."

MR. HEALY proposed, as an Amendment to Mr. Attorney General for Ireland's Amendment, in lines 1 and 2, to leave out "a present tenant."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the word

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"reinstate" covered the whole ground. To be restored, a tenant must have been in possession already. It was impossible to make the clause so general as to enable the landlord at any time and in favour of anybody to make the tenancy a present tenancy.

MR. HEALY asked what objection the Government had to enable an Irish landlord to confer a present tenancy if he so desired? Indirectly the landlord could do so already, because a tenant applying to the Court would, according to the Amendment they had lately agreed to, be deemed to be a present tenant if the landlord did not prove the contrary. Why not give the landlord express power to do what he could do indirectly?

MR. GLADSTONE regretted that they could not agree to a provision which would allow the passing backward and forward of a tenancy from a "present" to a "future" tenancy, and from a "future tenancy" to a "present tenancy." The 9th clause gave general powers which were quite sufficient to meet the case. Under that clause, power had been given to a landlord in an orderly manner to create a present tenancy, and give to it absolute permanence if he thought fit.

MR. GIBSON said, he thought the Amendment left the matter in some doubt as to the position and liabilities of tenants reinstated. He thought the Amendment ought to go on to say that the landlord might reinstate the tenant as a present tenant at a rent to be agreed upon, and that then the tenant should occupy for 15 years subject to statutory conditions. It was clear that unless some change was made the tenant would have the absolute right to go into Court and subject his landlord to litigation.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): The Court would deal with that.

MR. GIBSON said, it would be poor comfort to the landlord to know, after he had been subjected to the annoyance of being dragged into Court, that the Court would give a just decision. He desired to obviate litigation, which was the rock ahead of the Bill.

MR. BIGGAR thought the contention of the right hon. and learned Gentleman (Mr. Gibson) unreasonable. Ought the landlord to be allowed to bring pressure on the unfortunate tenant, fix upon him

an unreasonable rent, and then prevent him coming into Court? The Amendment was a violation of the principle of the Bill, and would give rise to much mischief. The landlord would induce the tenant under eviction to make a fresh bargain to his own detriment. The result would be that a single bad harvest would bring back all the old evils and create a fresh agitation.

THE SOLICITOR GENERAL (Sir FARRER HERSCHEL) said, that the Amendment was really more in favour of the landlord than of the tenant. The tenant could not be reinstated without the landlord's consent, or except on the landlord's terms. Then, when the tenant was reinstated, he would get all the advantages of a present tenant for 15 years. He thought the views of his right hon. and learned Friend (Mr. Gibson) would be met by the insertion of words to the effect that where the landlord had resumed possession of his tenancy he might reinstate the former tenant as a present tenant, and such tenant would become subject to all the provisions of the Act, provided always that the landlord and tenant might agree upon the rent to be charged. In such case, such agreement to have the same effect as if a judicial rent had been fixed by the Court under the provisions of the present Act.

Amendment agreed to, with the following addition:—

"Provided always, That the landlord and tenant may, at the time of such reinstatement, agree on the rent to be paid by such tenant; and in such case such agreement shall have the same effect as if the rent so agreed on were a judicial rent fixed by the Court under the provisions of this Act."

Amendment proposed,

In page 32, line 2, after the word "tenancy," to insert the following sub-section:—"A present tenancy shall not be converted into a future tenancy by reason only of the determination by surrender or otherwise of such present tenancy, and the acceptance by the tenant for the time being of a new tenancy. Notwithstanding any such determination of any present tenancy by surrender or otherwise, and such acceptance of a new tenancy, such present tenancy shall be deemed for the purposes of this Act to be still subsisting so long as the tenant for the time being and his successors in title continue in possession of the holding, whether the incidents of his or their tenure be varied or not."—(Mr. Healy.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW), in opposing the Amendment, said, that it would be inadequate to meet the cases contemplated by the hon. Member. A mere raising or lowering of the rent would not determine the tenancy, and he could not conceive why a tenant should give up his farm to immediately resume it.

MR. A. M. SULLIVAN supported the Amendment, but suggested that it should be so altered as to provide simply that a present tenancy should be deemed to subsist so long as the tenant for the time being and his successors in title continued in possession of the holding, whether the incidents of the tenure be varied or not.

MR. HEALY said, the right hon. and learned Gentleman the Attorney General for Ireland had pointed out to him practical difficulties in the way of adopting the Amendment as it stood; and he, therefore, begged leave to withdraw it.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 51 (Tenancies to which this Act does not apply).

MR. BIGGAR said, that the clause exempted from the operation of the Act all holdings which were ordinarily known as "town parks," and which were "adjacent to any city or town." With a view to limit the operation of the clause, he would move the insertion after the word "town," of the words "containing not less than 6,000 inhabitants." He had adopted that limit as it was the number mentioned in the Sanitary Acts. A town of 6,000 inhabitants or upwards might be formed into a sanitary district; towns containing a lesser number were to be regarded as rural districts. He objected to the hardships inflicted on owners of land near small towns owing to the sweeping exception contained in the Act of 1870, and which was continued under this Bill. He contended that lands in the neighbourhood of towns in Ireland were ordinarily not more valuable than other lands, and there was therefore no reason for exempting them from the operation of the Act.

Amendment proposed,

In page 32, line 37, after the word "town," to insert the words "with inhabitants of not less than six thousand."—(Mr. Biggar.)

Question proposed, "That those words be there inserted."

MR. GIVAN, in supporting the Amendment, said, there were many cases in which town parks should be excluded, but such cases did not exist in respect of holdings adjoining small villages, which holdings, purchased with the acquiescence of the landlord for large sums of money, should not be deprived of the benefits of the Ulster Custom and compensation under the law.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) regretted that the subject was renewed after the considerable discussion which took place in Committee. The Prime Minister on that occasion said it was undesirable to extend the geographical limits of the Act of 1870, although he thought there was a good deal to be said on behalf of the tenantry with regard to town parks. He (the Attorney General for Ireland) thought the Amendment had better be withdrawn, and that the matter might be left to the understanding arrived at in Committee. Perhaps, during the Recess the Government would consider the matter in order to see whether legislation was desirable or not.

MR. LALOR said, that now was the only time to take the matter into consideration with effect.

MR. T. D. SULLIVAN said, he could not see the value of the matter being considered by the Government in the Recess, after the Bill had become law, unless they intended to introduce another Bill next Session.

MR. MACFARLANE suggested that the matter might be compromised, by inserting a provision in the clause to the effect that the exemption should be subject to the approval of the Commission.

MR. GIBSON said, that was not a proposal to be entertained at that time. The House had had the matter before it in 1870, and he hoped the Government would firmly adhere to the decision arrived at in Committee. With regard to the suggestion of the hon. Member for Carlow County (Mr. Macfarlane), if the matter was to be dealt with at all, it should be dealt with by the House.

MR. W. E. FORSTER said, in reference to what fell from the hon. Member for Carlow County (Mr. Macfarlane), that it would, of course, have to be proved to the Court that the lands in question, which would be exempt from the Bill, were town parks. If hon. Members from Ireland desired, a Return could be

provided before the commencement of the next Session showing the extent of these town parks, and under what conditions they existed, so that an opinion might be formed as to what would be the probable operation of the clause.

MR. HEALY said, that it would be no great boon to obtain such a Return, and it was very easy for anyone to get the details.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 52 (Saving of existing tenancies).

On Motion of MR. ATTORNEY GENERAL for IRELAND, the following Amendments made:—In page 33, line 17, after “or,” insert “other;” line 17, after “tenancy,” insert “held by occupying tenants and;” line 19, after “which,” insert “said;” line 19, leave out the second “tenancy,” and insert “contracts of tenancy;” line 22, before “existing,” insert “such;” line 25, before “existing,” insert “such;” and in line 30, before “existing,” insert “such.”

MR. HEALY (for MR. BIGGAR) moved to omit the words “from year to year,” after “tenant,” at the commencement of the clause, which gave the Court power to quash a lease accepted by a tenant from year to year since the passing of the Act of 1870, when the Court was satisfied that such lease was procured by the landlord by threat of eviction or undue influence. A leaseholder whose lease was expired was in a far more defenceless position than a yearly tenant, and the Amendment, if accepted, would save hundreds of cases.

Amendment proposed, in page 33, line 42, to leave out the words “from year to year.”—(MR. HEALY.)

Question proposed, “That the words ‘from year to year’ stand part of the Bill.”

THE ATTORNEY GENERAL for IRELAND (MR. LAW) said, the object of the clause was to provide redress for leaseholders who, by threat of eviction or undue influence, were deprived of the rights which they ought to have had under the Act of 1870, by having leases thus forced upon them. The class of leaseholders which the hon. Member for Wexford (MR. HEALY) sought to include had comparatively slight benefits con-

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ferred upon them by that Act, and, therefore, did not come within the principle of the clause. He could not accept the Amendment.

MR. CALLAN supported the Amendment, and referred to cases of hardship which it would remedy.

MR. BIGGAR supported the Amendment.

Question put.

The House divided:—Ayes 162; Noes 26: Majority 136.—(Div. List, No. 340.)

MR. HEALY moved to insert “twelve” instead of “six months” after the passing of the Act, as the period within which a tenant might apply to the Court to have an unfair lease made void, on the ground that it had been accepted under the threat of eviction or undue influence. It was, he thought, too much to ask the tenant to go before the Court within six months.

Amendment proposed, in page 34, line 5, to leave out the word “six,” in order to insert the word “twelve.”—(MR. HEALY.)

Question proposed, “That the word ‘six’ stand part of the Bill.”

THE ATTORNEY GENERAL for IRELAND (MR. LAW) resisted the Amendment, considering it only reasonable that in six months a tenant ought to be able to make up his mind what he intended to do.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 53 (Saving in case of inability to make immediate application to Court).

MR. PARNELL, in conformity with an arrangement, moved to add to the clause in its altered form the Amendment proposed and withdrawn at an early hour of the evening.

Amendment proposed,

In page 34, line 21, at end of Clause 53, to insert the words “Whenever within six months after the passing of this Act any action shall be pending or be brought against a tenant to recover a debt or damages before or after an application to fix a judicial rent, and shall be pending before such application is disposed of, the Court before which such action is pending shall have power, upon such terms and conditions as the Court may think fit, to stay the sale under any writ of execution in such action of

the tenancy in respect of which such application is pending until the termination of the proceedings to fix such judicial rent."—(*Mr. Parnell.*)

Question proposed, "That those words be there inserted."

MR. BRODRICK hoped the Government would not listen to the proposal in its present form, more especially as it was understood that they would bring up an Amendment of their own upon the subject. He did not believe that any words the Government would bring up could have any approach to these, which would be fatal to the decisions of the House in Committee on every question of importance relating to time and the retrospective action of the Bill. These words were sprung upon the House at a time when it was almost impossible to take due cognizance of them. Many hon. Members had left the House under the impression that no further question of importance would be introduced, on which assumption the Prime Minister had asked the Leader of the Opposition to raise no obstacle to the third reading being taken that evening. The words as they stood would offer a premium to every tenant in Ireland who was in arrear in his rent to go into Court to get his rent fixed judicially, and were thus inconsistent with the desire of the Prime Minister not to encourage litigation by tempting tenants to rush into the Court. The prospect held out to the landlord was that the satisfaction given by the Bill would be such that tenants would not have reason to refuse to pay their rents; but now they were to be allowed to hold them back six months longer, and thus, in some cases, to bring the landlords to the verge of bankruptcy. This was to be done because the hon. Member for the City of Cork (*Mr. Parnell*) had come down to give effect to an edict sent forth by the Land League a few days ago. ["Hear, hear!" and "No, no!"] If the Government accepted the proposition, they would be playing into the hands of the Land League, whose action they had denounced. ["Oh, oh!"] He hoped he should not be further interrupted by the hon. Member for Stockton, who seemed to think that because the Members who were present to protest against the iniquity of the clause was small their arguments could be obscured from the country. He appealed to the Government to give a most distinct negative

to a proposition to carry out an arrangement into which the right hon. and learned Gentleman the Attorney General for Ireland entered far too easily, and by so doing they would show that they did not desire to re-open all the questions which were supposed to have been closed. The Amendment would tempt the farmer to squander money which was due to the landlord, because he could not be sued for it for six months, or possibly for a longer time. What security was there in the press of business which would thus be created that it would not be six years before rents could be fixed, if this incentive were offered to tenants to rush into the Court? The proposition was the outcome of the intention of the Land League to defeat the action of the Bill, and it was unwise of the Government to attempt to import it into the Bill at that stage. If the Amendment were agreed to, he believed it would seriously imperil the passing of the Bill; and, no matter how small the minority might be, he would certainly divide the Committee against it.

THE ATTORNEY GENERAL FOR IRELAND (*Mr. Law*) thought that some of the statements of the hon. Member (*Mr. Brodrick*) were without foundation. There was, for instance, no foundation for the apprehension that matters might be suspended for an indefinite time. If the facts did not warrant the application, the Court would reject it, for what was proposed was only a permissive and enabling power. The Court would not grant it if it were not reasonable, and much would depend on the prospect of a speedy settlement. Then, again, there was no interference with the landlord who sued in the Civil Bill Court, a decree in which did not enable the creditor to sell the tenancy. Therefore, for all classes of tenants whose rent did not come up to £20 the Amendment would not have the effect suggested. The Commissioners might also impose conditions on the tenants. For instance, they might require that security might be given, or that a substantial part of the rent should be brought into Court to abide the decision. It might, therefore, the Government conceived, be accepted without the fear of doing injustice to the landlord or other creditor.

MR. LEWIS strongly opposed the Amendment, remarking that of all the

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changes introduced into the Bill since its first introduction that was, in his opinion, the most serious. ["Oh, oh!"] He was aware that those Benches were deserted, and that they were at the mercy of hon. Members below the Gangway. If the Amendment were sanctioned, it would not, in the circumstances, carry with it the weight of the House, for it was introduced only two or three hours ago, and it was now being discussed in the absence of many hon. Gentlemen who took a deep interest in the subject, but who did not know that such a proposal had been brought forward. One effect of the Amendment would be to clog the Court with a number of cases which otherwise would not be there. In many cases, a landlord might have five or six years of rent owing to him without an opportunity of his obtaining a farthing. It was urged that an execution could be levied against the other ordinary assets of the debtor; but the tenant might say that the Legislature had practically tied the landlord up until a judicial rent had been settled, and the landlord would be without an answer to such an argument. Again, when the intervention of the Court was invoked, the ordinary creditors were to be told that they must wait until the landlord and the tenant had settled their dispute. The right hon. and learned Gentleman the Attorney General for Ireland had remarked that the Court might impose a condition that the tenant should pay the rent into Court. But what advantage would that confer on the starving landlord? This was an *ex post facto* clause of a most obnoxious description, for it gave one party an advantage entirely at the expense of the other. In some cases it might be the ruin of the landlord. There were some landlords who, by the operation of such a clause as this, would be rendered for months and for years totally destitute. He spoke on behalf of landlords who were unable to take care of themselves, and he was strongly opposed to a proposition which would place them at the mercy of a litigious tenant and a dilatory Court. If ever there was an immoral clause, the one now under discussion was stamped with that character. Hon. Members on that side of the House were bound to protest against such a clause being added to the Bill. Various references had been made to "another

body" and "another place," but that other "body" and that other "place" would be grossly neglecting their duty if they did not at once scout a provision like this, which had been introduced without Notice and accepted without consideration, and which was, on the face of it, a disregard of the ordinary laws of morality.

Mr. W. E. FORSTER said, the hon. Member opposite (Mr. Lewis) had ended his speech by saying what the duty of another House ought to be; but he (Mr. Forster) thought the hon. Member should wait until he got in that "other place" before he said what its duty ought to be. They had to consider what their duty was; and, for his part, he hoped that the House would accept the Amendment. The hon. Member who had last spoken had used very hard words respecting it; but he had enormously exaggerated his case. He had spoken on the supposition that, in any extreme case, the Court was bound to grant a postponement of any application; but the wording of the clause only gave the Court power to do so, and the House, if it had any confidence in the Court, might be sure it would guard against extreme cases of hardship. Such cases occasionally there might be, no doubt; but there were also cases of extreme rents, which had, in fact, been the real cause of the Bill that had so long occupied the House. He thought they had all by this time come to the conclusion that unfair rents ought to be reduced, and that a man ought not to be deprived of the benefits of the Act because his payments were in arrear. The Bill left an enormous majority of cases to the law as it at present stood; but quite recently the landlords had found out a new process, by means of writs of *flori facias*, of exacting their rents, and getting rid of their tenants. He had thought that the provisions of the Bill guarded against such cases, and the discovery that they did not do so was a perfect surprise to him. He was, therefore, obliged to the hon. Member for the City of Cork (Mr. Parnell) for filling up the gap in the interests of the good government of Ireland. ["Oh, oh!"] He repeated that the interests of the good government of Ireland required that, after conferring on the tenants the benefits of the Bill, they should fill up any gap that might be discovered, by which the Bill might be evaded and the

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tenants would lose the advantages intended for them. The hon. Member for West Surrey (Mr. Brodrick) had alluded to certain statements of the Land League; now, he (Mr. Forster) did not know whether or not the Land League had made them; but it was quite possible that even the Land League might sometimes make a correct statement; and, in any case, it would be a misfortune if provisions intended to benefit the tenants were defeated by a comparatively new process of which the Government were not previously aware. Indeed, the House itself would be to blame if it allowed its main object to be frustrated. And what was now proposed was not that the payment of all debts should be suspended, but that a period of grace or waiting should be given—for six months or a year—rather than the tenants should be driven out. He was somewhat surprised at the opposition that had been offered to the Amendment, which he regarded merely as a proposal to supply an unsuspected omission. As he had said, the Government did not know of the gap which it proposed to fill up; and if the right hon. and learned Gentleman opposite (Mr. Gibson) knew of it, it appeared as if he accepted the other clauses of the Bill with the knowledge that it would be in the power of the landlords to defeat the intentions of the Government.

MR. PLUNKET said, he wished to say a word or two of a clause to which the House would certainly attach much importance. On that side of the House the proposal had taken everyone by surprise, and had been wholly unexpected; and that would also be the feeling in Ireland, not only of the landlords, many of whom would be ruined by the clause, but also of other creditors when they heard what had been done. Whatever might be the provisions of the Bill in favour of the tenant, no one had ever imagined, and no suspicion had ever been breathed, that a clause would be introduced absolutely suspending for a definite time those remedies that by law belonged to every landlord. The chief argument in favour of the proposal—he might say the only argument of his right hon. and learned Friend opposite the Attorney General for Ireland—was that it would be in the discretion of the Court to give effect to the application, or to refuse it. But the Court would

know scarcely anything of the equity of each case as between landlord and tenant; while, as regards the other creditors, it would know absolutely nothing at all. All he (Mr. Plunket) could say was, that the adoption of the proposal would be taken in Ireland as the most sublime triumph of the land agitation and the Land League, whose last mandate was that nothing should be paid till the new rents were ascertained by the Court. ["No, no!"] Well, that was he read in the paper over and over again. He could only add that he was confident that of all the unprecedented proposals made by the Bill, public opinion would to-morrow characterize the Amendment before the House as the most novel and the most strange.

Question put.

The House divided:—Ayes 209; Noes 76: Majority 133.—(Div. List, No. 341.)

Clause, as amended, *agreed to*.

Motion made, and Question, "That the Bill be read the third time To-morrow, at Two of the clock,"—(*Mr. Gladstone*),—put, and *agreed to*.

QUESTIONS.

AFGHANISTAN—DEFEAT OF THE AMEER'S FORCES.

SIR STAFFORD NORTHCOTE: I rise, Sir, for the purpose of asking Her Majesty's Government, Whether they have received any information with respect to a report stating that there has been a battle in Afghanistan, and that the forces of Abdurrahman have been defeated by Ayoub Khan?

MR. GLADSTONE: Yes, Sir; that is a fact. We have received a telegram this afternoon, dated Simla, July 28, and it is to the following effect:—

"Telegram just received from Chaman says that, in action fought yesterday morning at Kareez-i-Atta, Ameer's forces were totally defeated, 18 guns taken, and all baggage. The Khelat Regiment and Kandahar horse went over to Ayub. Gholam Haider has fled towards Kabul. Sirdar Shamsuddin still in Kandahar with 400 men of Kabuli regiments and some police."

That is an important engagement, so far as the Candahar country is concerned. I will only add that the Anglo-Indian force in the neighbourhood of that country is very considerable.

MR. J. COWEN: I wish to ask, has Ayoub Khan possession of Candahar?

MR. GLADSTONE: No, Sir. The words I read are these—"Sirdar Shamsuddin still in Candahar with 400 men of Kabuli regiments and some police." That is evidently the force of Abdurrahman.

MR. ONSLOW: In what neighbourhood is the Anglo-Indian force? The Prime Minister says that the Anglo-Indian force is in the neighbourhood of Candahar, whereas we understood that it had been withdrawn. This battle was fought near the Helmund. What Anglo-Indian force is in that neighbourhood?

MR. GLADSTONE: I was not speaking of the Helmund at all, but of the Candahar country.

MR. ONSLOW: I would ask what forces are in the Candahar country at the present time? We always understood that the Anglo-Indian forces had been withdrawn from Candahar, and we want to know where the forces of which the Prime Minister speaks are. This action was fought, I think, on the West side of the Helmund; and I ask the Prime Minister what Anglo-Indian force is in the neighbourhood of that district?

MR. GLADSTONE: None whatever, Sir. I never said there was any.

ORDERS OF THE DAY.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ROYAL PARKS, &c.—WINDSOR PARK.

RESOLUTION.

MR. ARTHUR ARNOLD, who, throughout the whole of his speech, spoke amid great interruption, in rising to move—

"That, in the opinion of this House, it is desirable that the charge of Windsor Park be transferred from the Commissioners of Woods, Forests, and Land Revenues to the Commissioners of Her Majesty's Works and Public Buildings,"

said, he did not mean by his Amendment to imply any censure upon His Royal Highness Prince Christian, the Ranger, or to advocate any change in his posi-

tion or his authority. Indeed, he had nothing but congratulations to offer His Royal Highness upon the splendid success attending the Volunteer Review so recently held in the park, a success which was, in no small degree, due to the personal exertions of His Royal Highness. He thought, however, it most important that at Windsor, as at Buckingham Palace, the Ranger's authority should be considerable, and that the Princes who held those offices should represent the hereditary rights of the Sovereign in the domains of the Crown. The simple object of his Amendment was to obtain an approval of the policy which would place Windsor Park in the same position in reference to the Public Accounts as that in which all the other Royal Parks and Palaces now stood. The question at issue was, whether the policy of the Act of 1851 of regarding Windsor Park and woods as a sort of revenue could be justified? He desired to remove the Royal domain of Windsor from what he might call the commercial category of Crown Lands. That domain was 14,000 acres in extent. He would not diminish it by a rood; his only desire being to place all those Crown Lands which pertained to the Royal dignity in one Department. Windsor Park and woods should be reserved for Royal, not for revenue purposes. When the Act of 1851 was passed, and this portion of the Crown property was so strangely misplaced in a Revenue Department, there were two circumstances in consideration. In the first place, a lower estimate of the Royal dignity and of the interest of the people in maintaining that dignity prevailed at that period, and a Government of that period would have shrunk from placing 14,000 acres of the Crown Lands in perpetual reserve by the measure which he now recommended; and, in the second case, the supply of Navy timber for what were then called "the wooden walls of England" was present to the minds of Ministers, and influenced them in classing Windsor Park and woods with the Crown forests. Now, it was chiefly as a matter of good administration, and also because he desired to place Windsor Park and woods as a Royal domain out of the reach of the commercial incidents affecting the remainder of the Crown Lands, that he wished the House to express an opinion in favour

of the policy of placing Windsor Park and woods in the same category as all the other Royal Parks, Palaces, and Gardens. Windsor woods were now classed with the Crown forests, which might not be permanent possessions of the Crown. By making of the 14,000 acres a Royal domain, and by reclaiming it from a Revenue Department with which it had no proper connection and placing it with other Royal domains upon the Votes of Parliament, the House would show its disposition to remedy a glaring irregularity in our system of Public Accounts, and it would give an assurance of splendid loyalty to the Crown, and of its devotion to the vital interest of the vast and increasing population of the country. He begged to move the Resolution of which he had given Notice.

MR. DILLWYN seconded the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is desirable that the charge of Windsor Park be transferred from the Commissioners of Woods, Forests, and Land Revenues to the Commissioners of Her Majesty's Works and Public Buildings,"—(*Mr. Arthur Arnold*,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GLADSTONE said, he could not help strongly advising, as far as he might presume to advise, the House not to proceed in this matter. He was very doubtful whether his hon. Friend the Member for Salford (*Mr. Arnold*) had taken into his view all the considerations which bore upon it. He wanted them to perform an act of splendid loyalty, and to make a magnificent gift to Her Majesty. He (*Mr. Gladstone*) would venture to remind his hon. Friend that the business of asking the Representatives of the people to lay any burden on the country for the purpose of any new endowment of the Crown was a function which that House jealously required to be reserved to the responsible Advisers of the Crown. The difficulty which might arise in the ordinary Business of that House would be the effect of the proposal on a large number of hon. Members whose minds and hearts were

overflowing and almost bursting with loyalty, and who would be making loyal proposals out of the exuberance of their feelings. There were many matters to be taken into consideration in connection with this question, affecting as it did the general group of questions relating to the allocation of Royal residences and pleasure grounds for the Sovereign, and to the relations between those possessions and the general estates of the Crown, and, again, the questions relating to the contingent interest of the Heir Apparent in the estates of the Crown, inasmuch as they became his absolute property on the demise of the Sovereign; all these formed a complicated mass of subjects involving a great variety of delicate and difficult considerations, with regard to which it was almost an established practice that they should be handled mainly at the commencement of each reign, or, if otherwise, on the responsibility of the Government. He was quite aware that, in particular cases, where very small questions of interest of property were concerned, and where, on the other hand, very large matters of public interest were involved—that was to say, where the comfort and advantages of great populations were concerned—a different rule had been observed, and some infractions of the general rule had taken place. But it must be observed, with respect to the great part of Windsor Park, that this question of allocation was considered at the time to which the hon. Member had referred, and when the general settlement was made. The general settlement was made, with what view? With the view of securing, as far as Parliament was willing to grant it, the management of the Crown estates with some degree of independence, subject, undoubtedly, to the control of the Treasury, but still to a more remote and general control than that which was commonly used in our system of administration, and all this with a view to the good husbandry of the Crown property, because the Crown property was the equivalent which, at the commencement of each reign, the Sovereign offered to the nation in return for the Civil List. Now, that was a serious, grave, and complicated question; and he thought it was plain that there was no case before them to justify their action on the present occasion. Windsor Park was one of the greatest ornaments

of the country. It was a property of considerable value, and to make the transfer which his hon. Friend suggested would have a very important bearing upon the proprietary value of that property. It would place it under a different system of management, and subject to different rules, and it would involve important modifications of the arrangement made at the commencement of the reign. He was bound to recommend to the House that they should not initiate or entertain a subject of this kind, which obviously required some very strong evidence of public interest in order to make out even a *prima facie* justification. There was no such case here. There was no public grievance. There was no constant inconvenience. The small and momentary question as to the inconvenience threatened to Members of the Legislature, which arose on a recent occasion, was as much a matter of amusement as of convenience, and it afforded no occasion at all for the reopening of this serious question. He could not help hoping that his hon. Friend would not feel disposed to press this matter on the attention of the House. In any case, he (Mr. Gladstone) must press it strongly on the House from an opposite direction—that no step could be safely, or even becomingly or decorously, taken without the most careful preliminary investigation, which must always precede a serious modification of an arrangement having reference to the property of the Royal Family.

MR. ARTHUR ARNOLD begged to withdraw his Amendment, after the statement of the Prime Minister. It was entirely on the ground of good administration that he had brought it forward.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," again proposed.

HIGH COURT OF JUSTICE — SUITORS' FUNDS IN CHANCERY.

RESOLUTION.

MR. S. LEIGHTON, in rising to call attention to the want of information with reference to the "suitors' funds" in Chancery; and to move—

"That the future lists of unclaimed money be issued with cross references triennially;

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stating the amount of fund in Court; with the names and last known addresses of persons supposed to be entitled; together with the date of the last decree,"

said, there was a large amount of money belonging to many persons who did not claim it, because there was no sufficient publication of lists of names of those entitled, who were, therefore, kept in ignorance of their rights. In that way the spirit of the Act of Parliament on the subject was violated, and so much secrecy was maintained that persons were not able to claim the money that was due to them. Lists ought to be published every three years. They were due in 1873, 1876, and 1879, and the fourth was due in 1882. But only two lists had been published, and it had required much pressure to obtain these. It was said to be the fault of the Financial Secretary to the Treasury, who would not provide the Accountant General with the staff that was required to get out the lists. Those that had been published were not as useful as they might be, for, although they professed to be alphabetical, names were not to be found under their initial letters. The hon. Member concluded by moving the Resolution of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the future lists of unclaimed money be issued with cross references triennially; stating the amount of fund of the suitors' fund in Chancery; with the names and last known addresses of persons supposed to be entitled thereto; together with the date of the last decree,"—(*Mr. Stanley Leighton*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

LORD FREDERICK CAVENDISH said, he would admit that there had been some delay in the publication of the lists; but as the staff of the Accountant General's Office had been increased, he hoped there would be no ground for complaint in that respect in the future. With regard to the form of the accounts, that was settled by Lord Cranworth, when Lord Chancellor, and the matter was in the hands of the Lord Chancellor for the time being. Those who were responsible for looking after

these funds, in the interests of suitors and of the public, were of opinion that it was not desirable to make some of the changes suggested, and for these reasons it was his duty to resist the Motion.

Question put, and *agreed to*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

CLASS II.—SALARIES AND EXPENSES OF CIVIL DEPARTMENTS.

(1.) £18,792, to complete the sum for the Colonial Office.

MR. ARTHUR O'CONNOR wished to ask one or two questions of the noble Lord the Financial Secretary to the Treasury before the Vote was put. Upon page 91 of the Estimates, there was an item of £308 for the salary of the Superintendent of the Library. A good many years ago Mr. Woods, who had been employed in Ireland during the Famine years of 1845, 1846 and 1847, and, having done good service in connection with the relief works there, was offered by the Colonial Office, at the instance of the Treasury, the post of Assistant Librarian to the Colonial Office. Mr. Woods, who was in charge of the relief branch of the Boards of Works in Ireland during the period of famine, received a handsome testimonial when he left. He had conducted the drainage and other operations, not only with satisfaction to his official superiors, but to the numerous country gentlemen and others with whom he was brought into communication. By his exertions he greatly contributed to the success of the relief measures; and, in consideration of the services which he rendered, the Treasury desirous of doing what they could for Mr. Woods, offered him the post of Assistant Librarian in the Colonial Office. Upon offering it to him, the Treasury wrote a letter to Mr. Woods, which concluded in these words—

"Your probable, though not the only possible, advancement will be to the post of Librarian, with a salary of £600, rising to £800 a-year. Such is the position we have to offer you."

Some years afterwards, Sir Charles Trevelyan, the Secretary to the Treas-

ury, declared that this gentleman had been selected out of regard to his merits and qualifications with the intention that he should obtain better and earlier promotion in consequence of the transfer. Later on, in the year 1870, the Earl of Kimberley, in regard to this particular appointment, used these words—

"Mr. Woods was always told that the superior office of Librarian, rising from £600 to £800 a-year, would still remain open to him."

The Librarian, in course of time, retired, and, instead of Mr. Woods being appointed to succeed, the office was abolished, together with that of Assistant Librarian, held by Mr. Woods, and Mr. Woods received a much less pension than he ought to have been entitled to. Mr. Woods, when he accepted the offer of the Treasury, and went to the Colonial Office as Assistant Librarian, did not obtain any immediate advantage; but it was the prospect of promotion, pointedly and repeatedly held out to him, that induced him to relinquish his post at the Treasury and go to the Colonial Office. At that time there was a Librarian at the Colonial Office as well as an Assistant, and the salary of the Librarian went up to £800 a-year. When the Librarian retired, Mr. Woods found that the Treasury would not keep faith with him; and he found that instead of being appointed to succeed, as he had been distinctly promised, the office was nominally abolished. Mr. Woods had been told over and over again that he might look for the promotion which was admittedly his due. To show that Mr. Woods was not alone in his view of the matter, the words of Lord Carnarvon might be quoted. In 1874 Lord Carnarvon was Secretary of State for the Colonies, and in a letter to the Treasury the noble Lord said that the decision of the Lords Commissioners of the Treasury, in the case of Mr. Woods, placed that gentleman in a different position from that which he had been led to expect, both in regard to employment and salary. Lord Carnarvon further requested the particular attention of their Lordships to the distinct expectation of promotion held out to Mr. Woods when he relinquished a good position at the Treasury in order to enter the Colonial Office as sub-Librarian. Mr. Woods was over and over again led to expect that whenever the post of Librarian became vacant he would suc-

ceded to it. The end of the matter was that the case of Mr. Woods, at the suggestion of that gentleman, was submitted to arbitration. But the arbitration was of a purely illusory character, because when he was prepared to go to arbitration, and submit his case to Earl Cairns, the arbitrator chosen, the Treasury did not allow him to make the statement he desired to make, and it was they only who submitted a case for the adjudication of the arbitrator. Mr. Woods naturally objected to such a one-sided submission, and desired to withdraw from the arbitration; but the Treasury obtained a decision from Earl Cairns. The reference to arbitration did not, he (Mr. O'Connor) was informed, admit of the examination of witnesses in support of Mr. Woods' case. The consequence was that this gentleman, after having faithfully served the public for a great many years, and having, even according to the testimony of the Treasury itself, served it well, found himself debarred from obtaining the post of Librarian at the Colonial Office, which he had naturally thought, from the statements made to him, was his right. Instead of obtaining the advantage he had been taught to expect, he found himself pensioned on a much smaller scale of salary than he had a fair claim to be allowed to go up to; and, at the present moment, the position of Mr. Woods was this—he had lost, in the shape of salary, more than £1,000, and about £120 a-year in pension. He (Mr. O'Connor) wished to add that he had no personal knowledge of Mr. Woods. He had never seen him; but having given to the case all the examination and attention he could, from the materials supplied to him, he was bound to confess that, in his opinion, a very great hardship had been arbitrarily inflicted upon Mr. Woods, and that the Treasury ought to reconsider their position in the matter, if not with regard to the status of Mr. Woods, at any rate with regard to the amount of pension. He (Mr. O'Connor) did not propose to move the reduction of the Vote; but he would ask the Treasury whether they would consent to the printing of the Papers relating to Mr. Woods' case. If the Government side of the matter was such as would bear investigation, he did not see why they should object to the printing of the Papers. He wished further to point out that the abolition of the

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post of Librarian was, after all, not a genuine abolition; because, in the present Estimates, he found the post revived under the title of "Superintendent of the Library." He did not remember that the item appeared in last year's Estimates; but it was given now, and a sum of £308 attached to it. He trusted that he had stated the case sufficiently to allow the noble Lord the Secretary to the Treasury to answer it.

SIR H. DRUMMOND WOLFF said, he happened to be in the Colonial Office at the time Mr. Woods was appointed. Some Papers had been missed from the Colonial Office, and they had appeared in one of the morning papers. They were documents of great importance, and in consequence of what had occurred, it was considered desirable to remove the Assistant Librarian from his post, but not to dismiss him. Mr. Woods succeeded as Assistant Librarian, having been transferred to the Colonial Office from the Treasury. Certainly, one of the inducements held out to Mr. Woods to make the change was that he would be entitled to promotion to the office of Librarian whenever it became vacant. He, therefore, trusted that the noble Lord opposite (Lord Frederick Cavendish) would look into the case, and endeavour, if possible, to do Mr. Woods justice.

Lord FREDERICK CAVENDISH: I was not aware that the case was coming on to-night, or otherwise I would have refreshed my memory. But I think I can say enough to satisfy the Committee that the claims of Mr. Woods is not one that the Government can entertain. I would venture to say that Mr. Woods has been treated with every consideration, and that he has been granted as large a pension as his services, under the circumstances, entitle him to. His claim to succeed to the post of Librarian could not be entertained, because, if acceded to, it would establish the doctrine that the office was one which Her Majesty's Government were bound to retain permanently. Mr. Woods, no doubt, considered that he had a grievance, and he commenced legal proceedings; but, at the last moment, he came to the conclusion that it was desirable to abandon the legal proceedings. At the request of Mr. Woods the whole case was referred to Lord Cairns—not only as to his legal rights,

but as to any equitable right he might have to compensation. The case was put fully before Lord Cairns, who decided that Mr. Woods' claim could not be recognized; and, under these circumstances, I do not think that the case ought to be re-opened.

SIR HENRY HOLLAND said, that he was in the Colonial Office when Mr. Woods was serving in the Office. He was transferred from the Treasury to the post of Assistant Librarian, and, no doubt, he expected to have been made in time Librarian; but he never could have had any absolute claim to such advancement. Indeed, it would be impossible for the Treasury to answer for the organization of any office for all time to come. The hon. Member for Queen's County (Mr. Arthur O'Connor), who brought the subject forward, said the abolition of the office of Librarian at the Colonial Office had not been altogether *bond fide*. Now, the fact of the matter was this—the whole Office was re-organized, and, with a view to prevent any increase of expenditure, several posts were abolished, among which was that of Librarian. Anything more *bond fide* it was impossible to conceive. It was found quite unnecessary to have a Librarian and an Assistant Librarian, and the present Superintendent of the Library was appointed at £300 a-year, rising to £500. He was sorry that Mr. Woods had not been allowed to go before the arbitrator. He did not think that that gentleman would have been able to prove his case; but it would have been more consistent with the principles of justice that he should have been allowed to appear before Lord Cairns, and state the nature of his grievance personally. If Mr. Woods had had that opportunity afforded to him of fully explaining his case to an impartial arbitrator, they would probably have heard no more of the matter.

MR. BIGGAR remarked, that from all he could gather in reference to the case, Mr. Woods seemed to have been very badly treated. His hon. Friend the Member for Queen's County (Mr. Arthur O'Connor) had already read a few words from a speech of Lord Carnarvon, when Colonial Secretary, when the case was brought before the House of Lords by Lord O'Hagan. Lord Carnarvon dealt with the case upon its merits, and justice and the noble Lord said that in 1859

Mr. Woods, who had been at the Treasury for some years, was transferred to the post of Assistant Librarian at the Colonial Office with the distinct expectation that he would succeed in due course to the office of Librarian. Lord Carnarvon added that he had acquiesced, although reluctantly, in the decision at which the Treasury had arrived in reference to the claims of Mr. Woods; but he thought that that gentleman had taken an inadvisable course in taking legal proceedings against the Government. The fact was that Mr. Woods submitted his claim to the Treasury, and finding that he could get no redress, he published the correspondence. It was always considered that a public officer, however harsh the decision against him might be, should submit without placing his grievances before the general public by publishing the correspondence. It appeared that in this case the Government consented to an arbitration; but the arbitration was of a thoroughly illusory character, because the person most interested in the matter did not obtain leave to state his case before the arbitrator. He (Mr. Biggar) had never in his life heard of a more absurd arbitration. Only one party was allowed to appear and be heard before it. If the Treasury really wished that justice should be done, they should have allowed Mr. Woods to appear before Lord Cairns and state his case; and if the decision of Lord Cairns, after having fully heard the case, had then been against him, no doubt Mr. Woods would have been satisfied. It was not possible that he would be satisfied, or would believe that he had not been unjustly treated, when he found that the Government refused to submit anything to the arbitrator beyond their own version of the case. It certainly seemed to him, if the case had been properly represented, that Mr. Woods' application for a fresh hearing should be acceded to, and that the case should be re-opened by a fair and impartial tribunal, before which both parties could be heard.

MR. ARTHUR O'CONNOR very much regretted to hear the statement which had been made by the noble Lord the Secretary to the Treasury. The hon. Baronet the Member for Midhurst (Sir Henry Holland) objected to the statement he (Mr. O'Connor) had made that

the abolition of the office of Librarian at the Colonial Office had not been *bond fide*. He had not made the observation with any desire to be offensive, and, as exception was taken to it, he regretted that he had made use of it. All he now asked for was that the Government would consent to print the further Papers which four years ago were ordered by the House of Lords to be printed. The House of Lords consented to print them in the year 1877; but when he applied to the House of Lords for a copy of the Papers he was informed that the entry in the Votes was a Parliamentary fiction, and that, in point of fact, the Papers never had been presented. He believed they had been printed for the official purposes of the Colonial Office, so that it would not be difficult to furnish copies of them if the Government would consent to their being printed. He merely asked now that the Treasury should consent to the production of the Papers, and he had no intention of objecting to the Vote. With regard to what the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) had said as to the unreasonableness of the expectation that any particular post should be retained for the benefit of a particular individual, a careful perusal of the Estimates for the present year would show that, in many cases, existing offices were kept open for certain officers. Here and there a note would be found appended to a Vote stating that "this post will be abolished on the retirement of the present officer," or words to that effect. All he would say in regard to the abolition of the office of Librarian at the Colonial Office was, that however unnecessary the post was a year ago, or 10 years ago, it was equally unnecessary when Mr. Woods was first appointed. If the Government thought at that time that in consideration of the past services of Mr. Woods he should have a claim to the office of Librarian, when it became vacant, they would be equally justified, when the post became vacant, in fulfilling their promise, and allowing Mr. Woods to hold the office until he had attained the maximum amount of pay he was led to believe he would ultimately reach. As a matter of fact, by the course pursued by the Treasury, Mr. Woods had been deprived of salary to the extent of £1,000; and the pension upon which he had been retired, having regard to the rate of pay

he ought to have received, was about £120 a-year lower than that which he would have received if he had been allowed to go up to the maximum amount of salary he was induced to believe he would reach. He would again press the Government to print and distribute the Papers relating to the case.

LORD FREDERICK CAVENDISH: I am sorry that I cannot accede to the request of the hon. Member. The case has already been fully investigated. Mr. Woods took legal proceedings in order to assert his rights; and he was subsequently, as a matter of favour, allowed to go before an arbitrator. The case has, therefore, been fully gone into, and I do not think it necessary, or desirable, to re-open it.

Vote agreed to.

(2.) £16,077, to complete the sum for the Privy Council Office.

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £1,355, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Office of the Lord Privy Seal."

MR. DILLWYN objected to the Vote, because he believed that the Office of Lord Privy Seal was a sinecure. He had objected to the Vote in other years, and had divided the Committee against it; but he should not take a division this year, because he did not wish to put the Committee to the trouble of a division. He had often entered his protest against the Vote; and, if he took a division, it would only be entering another protest, and wasting the time of the Committee, without obtaining any practical result. He was, however, influenced on this occasion in not taking a division by this consideration—that the Minister who now held the Office had been appointed because he was thoroughly conversant with Irish affairs, and everybody knew there was a great pressure upon the Irish Office at the present moment. Lord Carlingford, the present Lord Privy Seal, was eminently fitted to assist the Irish Office in the legislation now proposed for Ireland; and, under these circumstances, he (Mr. Dillwyn) would content himself with entering a protest against the Vote,

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without putting the Committee to the trouble of a division.

SIR GEORGE CAMPBELL wished to have an explanation upon a much smaller matter. He saw that the following note was appended to the Vote:—

“The Assistant Clerk also draws a pension of £79 6s. 8d. per annum from the Superannuation Vote, as late second class clerk in the Office of Works. His salary has been raised from £105 to £150 per annum.”

He thought it was wrong that this sort of thing should be allowed. If they had a gentleman who, on account of his age, had been superannuated in another Department, he did not see why he should be employed in the Office of Lord Privy Seal, nor could he imagine why it should have been found necessary to raise the salary of such an officer. He certainly thought the matter required a little explanation.

LORD FREDERICK CAVENDISH: The gentleman referred to in the question of the hon. Member for Kirkcaldy (Sir George Campbell) was removed from the Office of Works, where he received a higher salary than that which he receives in the Privy Seal Office, and it was felt right that he should receive compensation for the loss. He has accordingly been awarded the sum stated in the Vote. The transaction was completed shortly before the present Government came into Office.

MR. ARTHUR O'CONNOR regretted that the hon. Member for Swansea (Mr. Dillwyn) should be prepared, now that the Liberals were in Office, to take a very different course from that which he took in the year 1879, when the Liberals were out of Office. As he (Mr. O'Connor) was not influenced by any such considerations, he was indisposed to allow the Vote to pass without challenging it. The arguments which the noble Lord the Member for Calne (Lord Edmond Fitzmaurice) two years ago brought to bear against the retention of the Office of Lord Privy Seal had remained unanswered up to the present day. The noble Lord, on that occasion, pointed out that the continuance of this Office, instead of assisting the Public Business, really obstructed it. That was to say, that it acted as an unnecessary check upon the transaction of useful Public Business. No doubt, it might be desirable occasionally to have a Member of the Ministry whose time would not

be wholly occupied with Departmental work; but, in this particular instance, that idea was altogether illusory, the fact being that the majority of noble Lords who had held the Office of Lord Privy Seal had not been remarkable for the assistance they had contributed to the work of the Government. It had been abundantly proved that a considerable amount of positive delay in the transaction of Public Business was occasioned in consequence of the necessity of having certain documents stamped in the Privy Seal Office before being passed by the Great Seal. At the time of the last discussion, the Chancellor of the Exchequer said that the Office was a very ancient one, and that it had been handed down through a great number of Cabinets. That, however, was about the only argument the right hon. Gentleman advanced. The hon. Baronet the Member for Chelsea (Sir Charles W. Dilke) said he was bound to admit that the Office was a sinecure, and that it ought to be abolished. The hon. Baronet, in the division which followed, accordingly voted in favour of its abolition; and he (Mr. O'Connor) hoped that on this occasion, if the hon. Baronet was in the House, he would vote for its abolition now. He was glad to see that the hon. Member for Liskeard (Mr. Courtney) was in his place, because he also voted in 1879 for the abolition of the Office, on the ground that it was a sinecure. And not only did the Under Secretary of State for the Home Department take that course, but he was supported by another hon. and learned Gentleman opposite, the Attorney General (Sir Henry James), who also voted for the abolition of the Office. Under these circumstances, he (Mr. O'Connor) thought he was justified in the determination he had come to of taking a division upon the Vote. He desired, however, to offer a slight hint as to the division, because he thought it would be unjust to nominate as a Teller in support of the Vote the noble Lord the Member for Haverfordwest (Lord Kensington), who acted as one of the Treasury Whips, that noble Lord having voted in favour of the abolition of the Office, as a sinecure, on the previous occasion. He thought the noble Lord could hardly “tell” for the Government now in support of the Vote, seeing that he had voted for getting rid of the Office,

as a sinecure, only two years ago. Moreover, he (Mr. O'Connor) believed that the majority of hon. Members who sat below the Gangway on the opposite side of the House not only spoke, but voted in favour of abolishing the Office of Lord Privy Seal. He would not detain the Committee longer; but he would certainly not only object to the Vote, but take a division against it.

MR. DILLWYN wished to make one observation upon the remarks of the hon. Member for Queen's County (Mr. O'Connor). The hon. Member asserted that he (Mr. Dillwyn), when the Conservatives were in Office, always divided the Committee against this Vote, but that he took a different course now that the Liberals were in power. He could assure the hon. Member that he had divided against the Vote time after time when the Liberals were in power, as well as when the Conservatives were in Office, and he should do so in future, whenever a division was taken. He thought he had explained the reason why he did not take the initiative on the present occasion.

Question put.

The Committee *divided*:—Ayes 144; Noes 44: Majority 100.—(Div. List, No. 342.)

SIR WILFRID LAWSON rose to Order. He had been informed that two hon. Members who entered the Lobby had not been counted.

THE CHAIRMAN said, the Tellers had done their duty, and counted all they could.

(4.) £101,933, to complete the sum for the Board of Trade.

MR. E. STANHOPE said, he had a question to ask the Government with respect to the Vote. He wished to know what arrangements had been made for filling up the very important office of Chief of the Statistical Department?

MR. EVELYN ASHLEY said, that, as he understood, the arrangements were incomplete; and he was, therefore, unable to answer the question of the hon. Member.

SIR R. ASSHETON CROSS thought the hon. Member (Mr. E. Stanhope) was clearly entitled to an answer.

MR. A. MOORE said, he had given Notice of an Amendment, which he trusted it would not be necessary to move.

Mr. Arthur O'Connor

There had been a prolonged debate at an earlier of the Session on the subject of the importation of oleomargarine and other butterine substances; and the question had been brought forward in consequence of the figures of the Board of Trade showing an enormous increase in these importations. It was not his intention to detain the Committee at that hour in discussing a matter which had already been fully gone into on a previous occasion; but he would mention that when he drew the attention of the Board of Trade officials to the fact that these products were coming into the country in great quantities, and that no cognizance was taken of them in the Statistical Department, he had not received from the right hon. Gentleman the President of the Board of Trade a very satisfactory answer. Perhaps, therefore, in the course of the debate upon this Vote, the right hon. Gentleman would be able to reply more completely. The fact was that there was an enormous quantity of the substances in question coming into the country—some in the form of oil, and some in the form of butter, while there was no record of the entries, except under terms that were quite delusive. They were, in fact, entered either as butter or lard. What he desired—and what he believed hon. Members would regard as a matter of very great importance—was that the Department should furnish the fullest information possible with respect to these imports, which were, after importation, sold as butter; and, therefore, he trusted the right hon. Gentleman the President of the Board of Trade would be able to furnish, upon this subject, a satisfactory explanation, which would preclude the necessity of his moving the Amendment to which he had referred.

VISCOUNT SANDON wished to know whether the right hon. Gentleman the President of the Board of Trade could furnish full information as to what had been done with respect to Mr. Giffen? He was informed that that gentleman was still partially engaged at the Board of Trade. When he (Viscount Sandon) left the Office, he had made a proposal to the Treasury that Mr. Giffen's position should be very considerably improved. He had felt the advantage of that gentleman's talents to the public, and, therefore, desired they should be

retained in the Public Service; and, considering the increase of his duties, and the heavy responsibilities that attached to him, he had proposed to place him in the position of Assistant Secretary. The change of Government then took place, and his right hon. Friend the late Chancellor of the Exchequer felt it would not be right to commit the country to that large change at a time when he was leaving Office. A Minute had been made to that effect. He had no doubt the President of the Board of Trade would be in a position to state to the Committee good reasons for not acceding to the proposal with regard to Mr. Giffen. He hoped also that some information might be given, if possible, about the changes which were to be made as to a Department of Agriculture and Commerce. He knew the subject was full of difficulties; but he should be glad if the right hon. Gentleman could state what was the scheme of the Government with regard to it. He could not but impress upon the Committee the great importance and use of the Statistical Department.

MR. CHAMBERLAIN said, with regard to the last question of the noble Viscount (Viscount Sandon), the Prime Minister had some time ago stated that it was then impossible, on account of the pressure of public affairs, either for himself or his Colleagues to give that consideration to the subject which it required; but he proposed to consider it during the Recess, and to take action with regard to it on a future occasion. With regard to Mr. Giffen's position at the Board of Trade, he rather regretted the remarks of the noble Viscount, because he had referred to matters which, he considered, were of a confidential character, and quite apart from the subject of the Vote. He believed the noble Viscount would see that there was some inconvenience in referring to the matter, because there arose at once a conflict of testimony on the subject. He was compelled to say that he differed from the view of the case which had been taken by the noble Viscount, and would add that his view was not that taken by Mr. Giffen himself. Mr. Giffen's impression with regard to the matter was, that he had received a distinct promise from the noble Viscount that his position at the Board of Trade should be improved; and he seemed very

much aggrieved by the fact that the noble Viscount had left Office without carrying out the pledge which he considered had been given. When Mr. Giffen made that statement, he (Mr. Chamberlain) considered it his duty to ask the noble Viscount privately whether he had given such a pledge; and the noble Viscount stated that he had not done so, or, at all events, that he did not recollect it. He, therefore, considered it impossible to pursue the matter any further. Mr. Giffen had only expressed his view of the affair, and the noble Viscount was, of course, entitled to state his recollection with regard to it. All that he (Mr. Chamberlain) knew officially with reference to the matter was that undoubtedly an application had been made by Mr. Giffen to the noble Viscount, who referred it to the Treasury, and that it was refused by that Department under the late Government. The present Government, therefore, had simply to consider whether they should do something which their Predecessors in Office had distinctly refused to do. They had not finally decided that they would not do what was asked of them. The matter was still under consideration, because he felt, especially after the experience which he had had of Mr. Giffen's value, that it was of importance to the Public Service that his services should be, if possible, retained. He was in communication with the Treasury upon this subject when Mr. Giffen had, as he believed, some offer made to him which he said would greatly improve his position, and which he felt himself justified in accepting; and, accordingly, he asked him (Mr. Chamberlain) to accept his resignation. When a Question was asked in the House by the hon. and learned Member for Sheffield (Mr. Stuart Wortley), he stated, in reply, that Mr. Giffen had resigned his position in the Service in order to better his prospects. Subsequently to that changes were contemplated in the Office, which would throw additional work on the Statistical Department, and he had then made another attempt to retain Mr. Giffen's services, and had so far succeeded that Mr. Giffen had, at all events, temporarily withdrawn his resignation, and his final position with respect to the Department would not be determined until the question of a Ministry of Commerce and Agriculture was decided.

SIR STAFFORD NORTHCOTE said, as the right hon. Gentleman was about to enter upon another subject, and as reference had been made to the Treasury in connection with this matter, he wished to express his opinion that the right hon. Gentleman was wrong in saying that the application with regard to Mr. Giffen was distinctly refused by the late Government. The matter came before him at the close of the late Administration, and the directions he had given were simply founded on the desire to leave the question open for their Successors. He had not expressed, on the merits of the case, any opinion against the promotion of Mr. Giffen.

VISCOUNT SANDON wished to make an explanation in reference to the remarks of the right hon. Gentleman the President of the Board of Trade. As the right hon. Gentleman had said, he had spoken with him (Viscount Sandon) on the subject; and he had told him that he, as his Successor in Office, was perfectly free to take whatever course that was best with respect to it. All that happened with regard to the Treasury was that his right hon. Friend the late Chancellor of the Exchequer had said he did not like to bind his Successors by a change which would involve considerable re-organization in the Department. It seemed to him that the two accounts of the transaction tallied perfectly well.

MR. CHAMBERLAIN said, he was sorry in any degree to differ from the noble Viscount opposite (Viscount Sandon); but he could not admit that the two accounts actually tallied. He was afraid that the resignation of Mr. Giffen was largely due to his disappointment, owing to a promise which was not fulfilled. He would not enter into any discussion of the statement of the noble Viscount that he had not given any such promise. It was there that the difficulty arose. The noble Viscount had brought the matter before the Treasury in the time of the late Government; but he (Mr. Chamberlain) must remind the noble Viscount that Mr. Giffen's case was brought before him 12 months before the late Government went out of Office. There was, consequently, plenty of time at the disposal of the Department; and he could not understand why the matter had been left open to be dealt with by the present Government.

VISCOUNT SANDON said, he had done everything in his power to carry out the proposal with regard to Mr. Giffen; but it must be remembered that the Board of Trade could not influence the Treasury in matters of expenditure. The right hon. Gentleman opposite (Mr. Chamberlain) had, no doubt, by that time discovered that in such matters he had rather hard masters in the Treasury.

MR. OTWAY said, he did not wish to interfere in the controversy between the President of the Board of Trade and the noble Viscount the Member for Liverpool (Viscount Sandon); but it appeared to him that Mr. Giffen had, at any rate, resigned under the management of the noble Viscount, and withdrawn his resignation under that of the right hon. Gentleman. It was an unfortunate thing that the country should lose the services of an official when they became most valuable; and he would be glad to know whether it was in consequence of a refusal to make a reasonable advance on the salary enjoyed by Mr. Giffen that he offered to resign and deprive the country of his services. The country would lose the services of a very able and valuable man through what he could not help calling the penurious conduct of the Treasury in not giving proper salaries to their servants. What had they done within the last 10 minutes? He did not know whether the right hon. Gentleman the President of the Board of Trade took part in the division which had taken place in reference to the Office of Lord Privy Seal; but here they had been granting money for an Office which had been declared by a responsible Minister, when out of Office, to be a sinecure, although, now that he was in Office, that responsible Minister voted for it—they had been voting money for a sinecure Office, and now they were going to lose the services of such a man as Mr. Giffen, because they would not make the addition to his salary which his long service demanded. That might be a very good sport to the Committee; but, out-of-doors, it was looked on as a very serious matter. He considered it most inconsistent to vote a sum of money for an Office that was declared to be a sinecure; and, at the same time, to refuse to treat public servants of value with that consideration which their services deserved.

MR. J. G. TALBOT said, they were all delighted to hear from the President of the Board of Trade that he had good hopes of being able to retain the services of such a valuable man as Mr. Giffen; but it should be remembered that this gentleman's resignation did not take place under the *régime* of his noble Friend (Viscount Sandon), but under that of the right hon. Gentleman (Mr. Chamberlain). The noble Viscount had explained that during the time he had held Office he had done his best to induce the Treasury to make an addition to Mr. Giffen's salary, but without success. It was no secret to the Committee that Ministers often made attempts of that kind, which did not succeed. The noble Viscount, however, had done his best; and then the right hon. Gentleman had come into Office and had made similar efforts. The right hon. Gentleman had as much influence with the Treasury as the noble Viscount; and yet he did not seem to have been any more successful; therefore, it could not be said that the resignation was due more to the action of the noble Viscount than to that of the right hon. Gentleman. He (Mr. J. G. Talbot) was not going into the vexed question between different Members of the Liberal Party, whether, in Office, they should continue to vote as they had done out of Office. The matter was one of good taste, and for their own consciences. Mr. Giffen was, undoubtedly, a most valuable public servant; and if his services could be retained, they ought to be, even at the expenditure of a little money by the Treasury.

LORD FREDERICK CAVENDISH said, that the case of the Lord Privy Seal and that of Mr. Giffen stood upon a totally different footing, and should be decided each on its own merits. The Committee should avoid the danger of infusing too much personal matter into the discussion. When an increase of salary was given to a gentleman in Mr. Giffen's position, they must expect to see a large demand made for similar development in the case of the other officials of the Department, and the Under Secretaries at the Board of Trade were numerous. It was only a very few years since Mr. Giffen was appointed at a salary higher than that which had been received by his predecessor. An hon. Member had asked what arrange-

ment had been come to, and that question had already been answered. All the questions which had been raised would be most carefully considered by the Cabinet during the Recess. It was probable that great changes would have to be made; and if, in the process of making them, it was found that the position of Mr. Giffen could be improved, he was sure that it would be done. He should be very glad if some arrangement could be made by which the services of Mr. Giffen could be retained.

SIR H. DRUMMOND WOLFF wished to know what were the duties of the Translator to the Board of Trade? From a document published by the Chambers of Commerce, it appeared that the translation of the French Treaty was withheld in consequence of the expense to which it would put the country. Well, seeing that they had a Translator at a salary of £400 a-year, he thought the cost of the translation need not have been very great if the Translator had done his duty. What were the duties of the Translators, if they were not to translate documents in the interest of the Board of Trade?

MR. CHAMBERLAIN: The duty of the Translator to the Board of Trade is to translate all such foreign documents as are required. I can assure the hon. Gentleman (Sir H. Drummond Wolff) that the Translator is fully employed. As to the question of butterine, referred to by the hon. Member for Clonmel (Mr. A. Moore), the Board of Trade have no control over the classification the Customs adopt of the imported articles referred to. The moment I saw the nature of the Motion of my hon. Friend, I communicated with the Customs on the subject; and I have received a reply from them which, I am afraid, will not be satisfactory to the hon. Member, but which I am bound to put before the Committee. Oleomargarine, they say, is an oil, and when imported in large quantities in that form is classed under the head of animal oil, and not butterine. When, however, it comes over in the more finished form of butterine, which is either animal fat alone or animal fat mixed with a smaller or greater proportion of pure butter, then it is classified as butter, and the Customs say they do not think it would be practicable or expedient to alter the classification. In the first place, they say it would be ex-

tremely difficult to distinguish between pure butter—real butter—and the artificial compound. I do not think they say the analysis would be impossible, but that it would be expensive and difficult. Then they say that all the butter, and butterine products, are perishable, and that if they are detained for any length of time for purposes of analysis they may be rendered valueless. And, lastly, they say that as there is nothing either in appearance, taste, or smell to distinguish butter from butterine, if a test were adopted every consignment of the article called butter which came through the Customs would have to be tested, which would entail enormous labour and expense. I have said this will not be satisfactory to the hon. Member, and I must confess it is not satisfactory to myself. I cannot but believe that we might be able to hit upon some means of distinguishing, without incurring the difficulty and expense which the Customs suggest. I hope the time will come when the Board of Trade, which has to do with commercial matters in this House, and, above all, with statistical matters concerning the commerce of the country, will have control over the statistics of the country. In the meantime, what I propose to do is to communicate again with the Customs, and suggest that they should appoint someone to meet some representative of the Board of Trade, in order to revise this classification, and see if some better plan could not be adopted.

Mr. R. H. PAGET said, that as to the difficulty suggested in the matter of analysis, he believed it to be simply without foundation. It was one of the easiest things in the world to distinguish between spurious butters and real butters. The simple test of the application of heat would at once show which was the real and which was the spurious article. The answer which had been given to the right hon. Gentleman the President of the Board of Trade from the Customs was one of the ordinary red-tape replies, suggesting considerable difficulty and declaring the impossibility of any change. He hoped the right hon. Gentleman would not remain satisfied with the first rebuff he received from another Department. The question was one of great importance, as it affected the health of the whole community. It was impossible to exaggerate the importance of it.

Mr. Chamberlain

Butter came into consumption in every family in the Kingdom; and they had reason to know that, though oleomargarine might not be bad or deleterious in itself, it was mixed with spurious and injurious matter, which could easily spread broadcast all kinds of fearful diseases. Parliament should not remain content unless this matter were taken up and treated as a matter of great importance.

Mr. A. MOORE said, he was obliged to the right hon. Gentleman the President of the Board of Trade for the kind answer he had given. It was clear that, whatever difficulty existed, it was not of the making of the Board of Trade, but of a Department which was not altogether amenable to that House. If large quantities of this oleomargarine were coming into the country in iron casks, there could be no excuse for the Customs not making a distinction between that and other oils. He saw the difficulty of dealing with a beautifully made-up butter, because, in opening and testing it, it might perish; but he would make this remark—that, owing to the Dutch law—and it was from Holland that the best qualities came—every pound was sold under its own name, although next day, perhaps, it was sold in London under another name. He did not consider the answer the hon. Member had received was satisfactory, although he did not blame the right hon. Gentleman.

VISCOUNT SANDON asked whether he would be in Order, at this point, in referring to British seamen at Pernambuco?

LORD FREDERICK CAVENDISH: No.

Mr. BIGGAR thought the answer given by the President of the Board of Trade to the hon. Member opposite (Mr. A. Moore) was very unsatisfactory. There was a large quantity of stuff imported into London from various places under the name of "butter." Some of it came from France, and a large quantity was imported from Holland in casks and fancy packages. It would not keep more than a day or two, and unless it was used at once it became thoroughly rancid and unsaleable. The Customs would not examine the stuff for the protection of the public, lest some of it should get spoilt. There were three kinds of this material; one was a kind of butter, another was a mixture of butter and

animal fat, and the third was animal fat by itself. What could be more easy than for the authorities to say that in the bill of lading it should be specified whether the article imported was or was not animal fat, a mixture of butter and animal fat, or butter alone? The cask in which the stuff came should be branded, so as to show what it contained; and in that case they would not have tallow sold for butter, as was often the case at the present time. This matter was most important for two reasons—first of all, because it was dishonest and unfair to the consumer to make him pay the price of butter when the article he was supplied with was really not butter at all. In the next place, it was unfair to agriculturists who had to compete in the market with pure butter. The agriculturist would get a much higher price in the market for his genuine manufactured article had he not to compete with a spurious imitation. The Committee should insist far more strongly than it had done on the Government protecting the consumers and producers of butter in the United Kingdom. The greatest facilities were offered to the manufacturers of this artificial and adulterated stuff; and the agriculturists were allowed to suffer a reduced price of the real article, as well as restrictions placed on the importation of cattle. The Government, he thought, ought to do two things. First, they should throw all the obstacles they could in the way of the importation of this counterfeit butter; and, in the next place, they should exert themselves to see that the poor of London were not imposed upon, and that the stuff, if sold at all, should be sold under its proper name. The Committee knew very well that during three or four months of the year nine-tenths of what was sold in London as butter was not butter at all. It was almost impossible, in point of fact, for good and pure butter to be obtained retail in London in the spring and winter months; and the Government were not doing their duty in trying to screen a lot of people who were of the vilest description, and who did enormous injury by their conduct.

SIR HERBERT MAXWELL urged the right hon. Gentleman the President of the Board of Trade not to be deterred from a consideration of this subject by the arguments that protection should

be given to the consumers in this country. He was quite aware that Protection had an ugly sound in the ears of the right hon. Gentleman opposite; but he trusted that the day was not far distant when it would have a far more ugly sound. The principal reason urged by the President of the Board of Trade for not going further into the matter at present was the difficulty of detecting the difference between the spurious and the real article; but he (Sir Herbert Maxwell) believed researches had been made into the matter, and he was told by men of science that the two substances were chemically identical, or nearly so, but that it was quite possible for experts to detect the difference. He was told that when in a state of liquefaction by heat the real article went into a state which was quite unattainable by the spurious article, and that if it was placed on a hot plate, and subjected to a certain degree of heat, an amount of granulation was produced which could not be got rid of, and which was apparent to the eye of the expert. He thought the excuse of the right hon. Gentleman was unworthy of the great Department he represented. He sheltered himself behind the technical difficulty of ascertaining the difference between the two articles. That was not worthy of him or his Department. Difficulties were meant to be overcome; and if the right hon. Gentleman was fully alive to the necessity of overcoming this difficulty that would be done.

VISCOUNT FOLKESTONE said, it had been asserted by the answer which the right hon. Gentleman had read from the Customs Department that it was difficult to distinguish between butter and butterine; but he (Viscount Folkestone) wished to point out that even if there was that great difficulty, that very difficulty was in favour of the Motion of which Notice had been given, because if the detection of the difference was difficult to experts who had some knowledge of the matter, it would be far more difficult for consumers, who simply went into the market to buy butter, to distinguish between butter and butterine, and they would be all the more open to fraud from those who passed off the adulterated article. He hoped the right hon. Gentleman would quickly do what he had said he would do—namely, devise some plan by which it would be possible for Custom House

officers to distinguish between the two articles, so that the consuming public might know what they were getting.

MR. DUCKHAM thought the farmers of England had a right to ask for some measure for placing the spurious article in its proper name before the public. The analytical chemist was employed to detect the adulteration in milk, coffee, and other articles of consumption, and surely he could detect the spurious article which was sold in the name of butter. He had seen advertisements in different papers of butter which was called "Prime American" at 6d. or 8d. per lb., when he had seen that in America butter was quoted at 1s. 6d. and 1s. 8d. per lb. It must be obvious that this was an imposition on consumers in this country; and he thought that whatever the article was, it should be called by its proper name, and not be brought into competition with our own article under a false name.

MR. CHAMBERLAIN: The hon. Gentleman is wandering far away from the question. The only question is as to the statistics prepared under the authority of the Board of Trade; and, in reference to that, I have given a reply which I am glad to find is satisfactory—namely, that I will, at the earliest possible moment, endeavour, with the Custom House officers, to devise means by which the classification may be altered and the importation of these things kept separate in the Return. Then, my hon. Friend (Mr. Duckham) raises a totally different question—namely, the desirability of taking care that the retailer shall sell these things under their right name. Everything that legislation can do to secure that has been done already. My hon. Friend points out that the chemist, the expert, and the analyst are employed now to analyze milk; but the same analyst may, under the same circumstances and under the same responsibility, analyze these articles; and there have, as a matter of fact, been a certain number of convictions of retailers for selling butterine as butter. If my hon. Friend has any reason to believe that butter is being sold under a false name in any case, all he has to do is to go to the county authority and the law will give him a remedy.

MR. BIGGAR thought the right hon. Gentleman the President of the Board of Trade had evaded the real point of

the case. It was not contended that the law was not sufficiently strong to put down this system of selling adulterated articles, but that the Government had not put the law into operation. It was all very well to say that a few convictions had taken place; but, as a matter of fact, for months in London such a thing as pure butter was hardly to be obtained. It was very well for the Government to enforce laws when it suited their own purpose, and at other times, because it conflicted with something they called Free Trade not to do so. He did not pretend to be a Protectionist himself; but he would protect consumers from spurious goods.

MR. CHAMBERLAIN explained that the hon. Member for Cavan (Mr. Biggar) was entirely mistaken, for, whatever the intentions of the Government might be, they had no power in the matter. The execution of the law was left to the local authorities, and not to the Government; it rested entirely with them, and not with the Central Department.

SIR HERBERT MAXWELL thought the right hon. Gentleman the President of the Board of Trade had either mistaken the point he brought forward, or the point raised by the hon. Member below him (Mr. A. Moore). His own remarks were addressed, not to the local traffic—not to the sale by the retailers—but to the importation of an article which was admittedly brought to this country for the purpose of adulteration. There was no known use for the substance known as oleomargarine, except that of being mixed with genuine butter, or else being turned into the article known as butterine. Those were the two sole uses for it. Oleomargarine was coming into this country in largely increasing quantities; and all he asked was that the Board of Trade should show how much of the stuff was introduced, and in what proportion it was increasing.

MR. ARTHUR O'CONNOR would not venture on such a slippery ground as butter or oleomargarine; but he wished to ask the right hon. Gentleman the President of the Board of Trade a question with regard to fees for professional orders. He saw that there was an amount of £1,400 a-year realized by those fees. The Chief Secretary for Ireland some time ago laid on the Table of the House a Return which showed

among other things that the Office of Public Works in Ireland, when it granted a Provisional Order, only charged the absolute expenses; but the Board of Trade, for Provisional Orders which affected Ireland, charged a fee of £35 each towards the expenses, when the draft order was deposited, and from that sum of £35 a fee of £10 10s. was paid by the Board of Trade to counsel for settling the Order, so that it would appear that the Board of Trade made a profit of £24 10s. on every Provisional Order passed affecting Ireland. He wished to ask whether it would not be possible for the Board of Trade to follow the same plan in regard to Orders affecting Ireland as that followed by the Office of Public Works in Ireland? Then, on page 102, the Committee would find a perfectly new matter introduced into this Vote, amounting to £3,100, which consisted of fees to Receivers of Wreck and the Coastguard, with travelling and incidental expenses under the Merchant Shipping Act of 1854. 1854 was some time back, and there never had been such a charge as this on the Estimate for these Services. The expenses connected with the Receiver of Wreck's duties had always been defrayed from the proceeds of wrecks, and a Return furnished to the House pursuant to Act of Parliament in connection with the Mercantile Marine Fund showed that the proceeds of the sale of wreck within the year was £3,329; while the fees and commissions received by the Receiver of Wreck amounted to £3,273, making a total of £6,602, which went to the remuneration and contingent expenses of the Receiver of Wreck. He believed that last Session an Act was passed entitled "The Merchant Shipping Fees and Expenses Act," by which the application of the proceeds of wreck to the payment of the Receiver of Wreck was sanctioned; and, that being so, he could not see the necessity of throwing the expenses connected with these Services on this Vote. On the first page, £3,100 were put down as among extra receipts. That was the same sum as was charged against the public on page 102, so that the public were not at any loss on account of this innovation; but, whatever might be put down as extra expenses on the first page of this Vote, the introduction at a later page to a charge of £3,100 saddled this Vote with a per-

manent charge of that amount, which could never be got rid of until the officers receiving the money were pensioned. Hitherto, the wreck had paid its own expenses, and the account had year by year diminished, and the fees might be expected to dwindle down to what was just enough to cover the expenses. He thought it was very bad policy to introduce a sum like this as Exchequer Extra Receipts; and he hoped the Government might have some explanation respecting it beyond anything that he was able to suggest or conceive.

Mr. CHAMBERLAIN said, the hon. Member (Mr. O'Connor) had asked two separate questions. The first was, why the charges in connection with Provisional Orders differed from those which were made in reference to Public Works in Ireland?

Mr. ARTHUR O'CONNOR hoped the right hon. Gentleman would excuse him while he explained what the real point was. His statement was that, according to the Official Returns furnished by the Chief Secretary for Ireland, the Board of Trade paid a fee of £10 10s. to the counsel consulted in regard to the issue of a Provisional Order; but the Board previously levied a deposit of £35 from the promoters, so that they made a profit of £24 10s. out of every Provisional Order that was issued, whereas the Irish Board of Works charged nothing beyond the absolute expenses.

Mr. CHAMBERLAIN said, he did not know how the hon. Gentleman (Mr. O'Connor) got his information that the Irish Board of Works did not charge anything beyond the actual expenses.

Mr. ARTHUR O'CONNOR remarked, that it was so stated in a Return presented to the House.

Mr. CHAMBERLAIN said, the hon. Member assumed that because the Board of Trade paid £10 10s. as a fee to counsel, that was the whole cost to the Board. The hon. Member seemed to forget that the Board of Trade had all their office expenses to pay in addition to the fees to counsel. There was no legislation so cheap, so convenient, or that gave rise to so little dissatisfaction subsequently, as this system of legislation by Provisional Orders. The greatest care was taken to see that the Orders were drawn up so as to give as little trouble, and inflict as small an

amount of injustice as possible; and he did not believe that the charges made by the Board of Trade had ever been considered excessive by those in whose service the Provisional Orders were issued. In regard to the second point, the hon. Gentleman seemed to attach too much importance to what was, after all, a mere change in the mode of presenting the accounts. The object of the change was to give to the House of Commons more and more detailed information; and the plan had been adopted, for the first time that year, of showing in the Votes the exact amount of the fees charged. There was no fear that the fees would continue to be charged long after the work ceased, because they were apportioned to the work, and all the money received was paid into the Exchequer.

MR. ARTHUR O'CONNOR, in regard to the first point raised by the right hon. Gentleman the President of the Board of Trade, wished to remind him that if the Board had office expenses in connection with Provisional Orders beyond the sums paid in the shape of fees to counsel, so also had the Department of Board of Works in Ireland. All he contended was, that if the Board of Works could furnish a Provisional Order, when petitioned for, at the absolute expense they had been put to in connection with it, the same course might be taken by the Board of Trade in similar cases. In regard to the second point, he wished to point out to the right hon. Gentleman that although, unquestionably, they had now in the Board of Trade Vote, at page 102, a detailed account such as had never been supplied before, yet it was not a question of the sum of money absolutely paid as fees which had been introduced at all. The sum put down was a good round sum of £2,200 for the Receivers, and another sum of £800 for the Coastguard. He understood that that was not a varying sum, but a permanent charge. Personally, he thought that that was a very unsatisfactory, and even dangerous way of giving the information.

MR. RYLANDS said, he was very much surprised that his hon. Friend the Member for Queen's County (Mr. O'Connor) had raised that debate. His hon. Friend had gone at considerable length into a matter of account, and had

attacked what had constantly been pressed upon the Government by Committee of Supply—namely, that in making payments they should set forth what the payments were for, and if they had receipts that they should give them a statement. He believed that that was the best course of checking the public expenditure. It was the course adopted in regard to many other accounts, and he hoped it would be universally adopted. Certainly, if the Government constituted a number of new offices, and suddenly saddled the public with a new charge, there would be ample justification for attacking them; but, in this case, the charges complained of were simply fees that were payable on a certain transaction being completed, and the Committee had before them not the fees actually payable in the course of the year, but an estimate of them given in a round sum. He should like to have some information from the right hon. Gentleman the President of the Board of Trade in reference to one of these items—namely, a salary of £1,000, advancing to £1,200, to one of the Assistant Secretaries, who also received £500 a-year for performing the work of auditor in connection with the Metropolis Water Act of 1871. He had no doubt that the duties performed were highly important, and he believed there was a charge made upon the Metropolitan Water Companies to provide the remuneration; but he wished to ask the right hon. Gentleman how far the duties this gentleman had to perform under the Metropolitan Companies Water Act interfered with the duties he was called on to fulfil as the salaried officer of a Public Department? As the sum paid by the Metropolitan Water Companies was large, he presumed that the work rendered was substantial; and he should like to know whether the extra work was done during the time which ought to be devoted to the Public Service? He hoped to hear some explanation from the right hon. Gentleman.

MR. CHAMBERLAIN said, the arrangement to which his hon. Friend (Mr. Rylands) referred was undoubtedly an anomalous one; but it was one which had been in existence for a good many years, and it had been brought before the Committee each year since it had been entered into. He could not go back to the time the appointment was

Mr. Chamberlain

first made, or state the reasons for it, because he was not in the House at the time. He could only say, in regard to the way in which it worked now, that he believed a great deal of the work was done out of office hours, and in no way interfered with the work done for the Crown. Mr. Stoneham, who performed the two duties, was a very valuable officer, and fully worth the whole of the sum he received from the State for the work rendered to the Department.

Vote agreed to.

SIR WALTER B. BARTELOT moved that the Chairman report Progress. It was then half-past 1 o'clock in the morning, and it would be necessary for the House to meet again at 2 in the afternoon. He was sure that the Government would not, under the circumstances, desire to continue the Committee.

MR. CHAMBERLAIN assented.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Sir Walter B. Bartelot*,)—put, and *agreed to*.

Resolutions to be reported *To-morrow*, at Two of the clock.

Committee to sit again *To-morrow*, at Two of the clock.

SUMMARY PROCEDURE (SCOTLAND) AMENDMENT BILL.—[*Lords*.]—[BILL 216.] (*The Lord Advocate*.)

COMMITTEE.

Bill *considered* in Committee.
(In the Committee.)

Clauses 1 and 2 *agreed to*.

Clause 3 (Application).

THE LORD ADVOCATE (Mr. J. M'LAREN) moved, as an Amendment, in page 2, to insert at the end of the clause—

"The provisions of the Summary Jurisdiction Acts shall also apply to prosecutions under the Tweed Fisheries Acts: Provided always, That it shall be in the option of the prosecutor to proceed either under the forms of the Tweed Fisheries Acts, or under the forms of the Summary Jurisdiction Acts."

Amendment *agreed to*; words *inserted* accordingly.

On the Motion of the LORD ADVOCATE, further Amendment made, in page 2,

line 21, by leaving out from "this" to "1864," and inserting "the Summary Jurisdiction Acts."

Clause, as amended, *agreed to*.

Clause 4 (Regulation of expenses).

MR. J. A. CAMPBELL said, the scale of fees allowed by one of the clauses was so low as, perhaps, to amount to a discouragement of prosecution, and therefore to interfere with the course of justice.

THE LORD ADVOCATE (Mr. J. M'LAREN) explained, that when the Bill was introduced in the House of Lords, some objections were made to the scale of fees, and a slight increase was made, and since then he had not heard that any complaint was made that the fees were too low.

Clause *agreed to*.

Remaining clauses *agreed to*, with Amendments.

Bill *reported*; as amended, to be considered *To-morrow*, at Two of the clock.

WILD BIRDS PROTECTION ACT, 1880, AMENDMENT BILL.—[*Lords*.]—[BILL 226.] (*Mr. Courtney*.)

SECOND READING.

Order for Second Reading read.

MR. COURTNEY said, the Bill was intended to legalize the sale of certain birds in the United Kingdom, which, notwithstanding that the birds had been lawfully killed here or had been killed abroad, could not now be sold under the Act of last year. He trusted the House would agree to the second reading of the Bill.

Motion made, and Question, "That the Bill be now read a second time,"—(*Mr. Courtney*,)—put, and *agreed to*.

Bill read a second time, and *committed* for *To-morrow*, at Two of the clock.

LUNACY LAW AMENDMENT (*re-committed*) BILL.—[BILL 192.] (*Mr. Dillwyn, Sir George Balfour, Mr. Benjamin T. Williams*.)

COMMITTEE.

ORDER DISCHARGED. BILL WITHDRAWN.

Order for Committee read.

MR. DILLWYN, in moving that the Order be discharged, said, he believed

there were some points in the Bill which the Home Office did not consider would work satisfactorily. He therefore begged to move that the Order be discharged. At the same time, as the Department had expressed a general approval of the measure, he hoped that at the earliest possible date the matter would be taken in hand by Her Majesty's Government.

Motion agreed to.

Order discharged; Bill withdrawn.

House adjourned at a quarter
before Two o'clock.

HOUSE OF LORDS,

Friday, 29th July, 1881.

MINUTES.]—PUBLIC BILLS—*First Reading*—*Leases for Schools (Ireland) * (188); Land Law (Ireland) * (187).*
Second Reading—Public Loans (Ireland) Remission * (176).
Committee—Metropolitan Open Spaces Act (1877) Amendment * (184).
Committee—Report—Universities of Oxford and Cambridge (Statutes) * (178); Turnpike Acts Continuance * (170); Patriotic Fund * (183); Customs (Officers) * (168).
Third Reading—Universities (Scotland) Registration of Parliamentary Voters, &c. * (173); British Honduras (Court of Appeal) * (167); Pedlars (Certificates) * (163); Metallic Mines (Gunpowder) * (169); Seed Supply and other Acts (Ireland) Amendment * (177), and passed.

MINISTERS STIPENDS, &c. (SCOTLAND).

ADDRESS FOR A RETURN.

THE EARL OF MINTO, in rising to call attention to the position and prospects of the question of reform of the Law of Teinds in Scotland; also to move for a

"Return for each county in Scotland of the name of every parish in which an augmentation was made of ministers stipend and of allowances for communion elements respectively during the period that has elapsed since the 20th March 1876; also the name of each parish in which there are unexhausted teinds, and the amount applicable to the augmentation of ministers stipends, &c. in each such parish (in continuation of former Return, No. 242, 1876,)"

said, my Lords, I am always reluctant to occupy even a few minutes of your Lordships' time in this House; but the aban-

Mr. Dalhousie

donment by Her Majesty's Government of a somewhat important Bill, under the pressure of strange influences, ought not, I think, to be passed over quite without notice. I shall not enter upon the general subject of Teind Law, and beg only to mention that Teind Law constitutes a part, and a very ugly part too, of the Land Laws of Scotland, and that in every transaction relating to the buying or selling of land careful investigations require to be made, sometimes with very uncertain results, relative to the state of the teinds on the property concerned, and in the parish in which it is situated. I must also mention that teinds, in the present signification of the words, is something very different from tithes, as formerly understood. In point of fact, there are no tithes in Scotland now, as they were commuted into a rent-charge about 250 years ago. The teinds of Scotland may now be concisely and correctly described as being that portion of the gross rental of Scotland which is appropriated to the payment of the stipends of parish ministers, or is liable at a future time to be so appropriated. In the early part of this Session Her Majesty's Ministers introduced a Bill called the Teinds (Scotland) Bill, which was read a second time some weeks later without opposition. The Bill sought to place on a clear and intelligible basis the liabilities of landed property in respect of teinds. It sought to place the relations of proprietors on the one hand and parish ministers on the other—namely, the payers and receivers of stipends—upon an easy and amicable footing. It sought to put an end to the expenses and litigation which the present law promotes, and almost necessitates. It sought to effect these objects by the drawing up of an inventory for the information of all concerned, as an authoritative exposition of the state of teinds in every parish of Scotland. The Bill was absolutely and carefully unpolitical in its character, and was totally unconnected with the question of Establishment or Disestablishment. Perhaps the best exposition of the purport and character of the measure is contained in the pointed note prefixed to the Teinds (Scotland) Bill, which I shall, therefore, read to the House—

"The Bill has been prepared at the request of a number of landed proprietors representing the counties of Scotland. Its object is

to complete the valuation of the tithes of Scotland, and to make up a roll of tithes in each parish under judicial authority. The want of such a roll has been the cause of a great amount of litigation and uncertainty as to the extent of the liabilities of proprietors of estates to the Church. The Bill does not provide for commutation of tithes, nor does it increase or lessen the liability of owners, or shift the incidence of the burden of the tithes in any way. It is purely executive, and aims only at ascertaining the rights and liabilities of parties interested, according to the existing law, in a more summary and inexpensive manner than is possible under the existing statutory procedure."

Now, I venture to assert that the only two classes of men who are directly interested in the simplification of the Teind Laws were virtually agreed in supporting the principle of this Bill. But it has always been said in Scotland that there is one powerful class—the Legal Profession—who are interested in maintaining the present system in consequence of the harvest of litigation that it engenders. But, in point of fact, the most zealous and most efficient Teind Law reformers are members of the Legal Profession of all grades—Judges, Sheriffs, agents, solicitors, are all of one mind in condemnation of the existing law. They feel it as a reproach to Scottish law that so barbarous a state of things, and so ruinous to their clients, should be suffered to continue. But if all these classes—heritors, ministers, and lawyers—unite in condemning the present Law of Teinds, to what influence is the obstruction due which has proved fatal to the Bill of the Lord Advocate? The answer is clear and simple. The influence which has been so efficacious was a purely sectarian one. The word has been passed from high sectarian authority that, in the interests of the question of Disestablishment, all legislation for the reform of the Teind Laws must be opposed at all hazards. The worse the condition of these laws, the greater will be the unpopularity of Church institutions, and the greater will be the popularity of an agitation for Disestablishment. Expensive litigation, and plenty of it, between heritors and ministers, and between heritors *inter se*, seems to be the aim and prayer of the enemies of the Church. The spirit which animates the opponents of all reform in the Law of Teinds may be seen in the following resolutions of the United Presbyterian Synod, agreed to on the 11th July. They resolve—

" That the working of the system of the Established Church, which is invariably wrong in principle, and its exactions in the matters of church and manse rates, augmentations of stipends and otherwise, have not been more offensive or injurious for a generation than they are at present; and that disestablishment, and nothing short of it, as the only legislative redress to the non-established churches and great body of citizens, and the sole remedy of the religious scandal, ought not to be delayed without urgent cause. . . . That they have learned of the withdrawal of this objectionable measure (the Teinds Bill) on the 4th July. That they have since heard with astonishment of a proposal of the Lord Advocate to re-introduce the Bill on an early day. That they resolve, in the event of an attempt to renege the Bill, to take such steps as they see cause for its prevention, and for raising the whole question of disestablishment in connection with it."

I think it is desirable that these things should be known and appreciated as regards the past; but I, for my part, would have passed them over in silence had it not been my belief that the same influences which have prevailed this Session against the cause of reform will operate with even greater force in future, as the time of a General Election approaches. I conclude by moving for the Returns of which I have given Notice.

THE EARL OF DALHOUSIE: My Lords, every part of the noble Earl's statement, so far as my knowledge goes, is perfectly and entirely accurate. The Bill introduced into the other House of Parliament dealing with the subject of teinds is a useful measure, and well calculated to effect the object in view. In the discussion in the other House of Parliament, so far as I am aware, no successful attack was made on the principle of the measure. It was desired extremely by the landlords and clergy of Scotland, and it was opposed by those who are very zealous for the immediate or approximate Disestablishment of the Church of Scotland. The Bill was dropped in the other House in consequence of pressure of Business, and owing to the opposition it received from a certain section of the Liberal Party. There is no chance of that measure being introduced this Session, and I am not able to make any promise with regard to next Session. The matter is receiving the consideration of the Government; but they were unable to state when the matter could be dealt with. There is no objection to give the Return moved for.

Motion agreed to.

Address for—

"Return for each county in Scotland of the name of every parish in which an augmentation was made of ministers stipend and of allowances for communion elements respectively during the period that has elapsed since the 20th March 1876; also the name of each parish in which there are unexhausted teinds, and the amount applicable to the augmentation of ministers stipend, &c. in each such parish (in continuation of former Return, No. 242, 1876.)"—(*The Earl of Minto.*)

PALACE OF WESTMINSTER—PUBLIC IMPROVEMENTS NEAR ST.

MARGARET'S CHURCH.

QUESTION. OBSERVATIONS.

LORD LAMINGTON, in rising to ask, Whether, before coming to any determination as to the contemplated improvements near Saint Margaret's, Her Majesty's Government will consider how far it is desirable to carry out the recommendations of the Committee on Public Buildings of 1878? said, he had put this Question on the Paper, because he had seen in the public journals a statement that Her Majesty's Government intended to give the not very large sum of £1,000 towards the improvement of the ground near St. Margaret's Church, Westminster. The Metropolitan Board of Works, it was stated, would give another £1,000, and the Government intended to appeal to the public to subscribe the other £2,000 that would be required. He would not ask their Lordships to express an opinion as to whether this was a very dignified mode of proceeding to raise £4,000 for effecting improvements near the Houses of Parliament. At all events, the circumstance of the Government giving £1,000 indicated that they took an interest in the improvement of the ground in the vicinity of the Houses of Parliament. When he brought this question forward last year Her Majesty's Government said they were involved in so many wars that there was no money available for any improvement of the Metropolis. But now it was stated that owing to the policy of the Government there was profound peace in Afghanistan and South Africa; and, therefore, he took the present opportunity of asking the Government whether they meant to do anything in the way of giving effect to the recommendations of the Committee of 1878. In the opinion of that Committee, it would be economical to borrow £1,500,000. However, he would leave

that part of the Report alone, and would only ask whether Her Majesty's Government intended to take down the houses at the end of Parliament Street? The approach to the Houses of Parliament was now a disgrace to the country. Moreover, to leave it in its present state would lead to increased expenditure, as the Government would eventually have to pay more for the leases of the houses. The Government could very well afford to spend £200,000 in buying up the buildings, and they had better do it at once, because, in consequence of the policy which the Government had adopted, they might possibly be engaged in a new Transvaal War by this time next year. The improvement of a great Metropolis was a question worthy of the consideration of statesmen. The French, after paying some milliards of francs to the Germans, voted, in one year, £1,000,000 sterling for the improvement of Paris, and in Spain, the Government had lately expended £2,000,000 in the improvement of the capital. He trusted Her Majesty's Government would be able to hold out a hope that effect would soon be given to the recommendations of the Committee of 1878.

THE EARL OF KIMBERLEY said, that he never knew a time, since he had anything to do with public life, when this question was not under the consideration of statesmen. It was under the consideration of the Government of which he was formerly a Member; it was, doubtless, under the consideration of the late Government; and it was under the consideration of the present Government. Therefore, as far as the consideration of statesmen was concerned, his noble Friend had no reason to complain. He understood his noble Friend to argue that, as they were now in a state of profound peace, and were, consequently, relieved from a large war expenditure, this would be the proper time to spend some £2,000,000 on public buildings. He could assure his noble Friend that to embark in the scheme which had been recommended would be to ask for an expenditure that could not be counted by hundreds of thousands. The whole matter had always been one of very great difficulty. Individually, he did not like any more than his noble Friend to see the block of houses in Parliament Street; but, on

the other hand, there were a variety of matters to be determined before they were pulled down. The most important part of the whole subject was the convenience of the public offices. He was afraid lest his noble Friend should be dissatisfied with the only answer he was able to give him. That answer was that the subject was really under the earnest consideration of the Government, which would in a very short time, owing to the pressure from the War Office and the Admiralty for further accommodation, have to decide what scheme should be adopted for the extension of those Offices; and that, of course, would involve deciding whether to act on the recommendations of the Committee of 1878.

WATER SUPPLY (METROPOLIS).

QUESTION. OBSERVATIONS.

THE BISHOP OF LONDON, in rising to present a Petition from the National Health Society; and to ask, Whether any measures have been taken, or are in preparation, by Her Majesty's Government for improving the water supply of the Metropolis? said, that this question was one that very much affected the welfare of the Metropolis, and the Petition which he had presented expressed dissatisfaction at the continued delay in reference to legislation upon this subject. The injuries to health arose, in a great degree, from the intermittent supply of water over a great part of the Metropolis, by which water was wasted, spoiled by storage in dirty cisterns, and the basement of houses soaked and made unhealthy; and the Petitioners expressly drew attention to the excess of fires and consequent loss of life being a proved excess of two-thirds beyond the insurable rate in towns where there was a constant supply of water. He sympathized very much with the Petitioners, inasmuch as, from his experience as a London clergyman, he believed that an insufficient supply of water, such as existed in many parts of London, was injurious to the cleanliness, and, consequently, to the temperance, the morals, and, in the last resort, the religion of the population. The working classes living in the West of London were particularly ill-supplied. In the East of London a continuous supply of water was much more common than it was at the West End.

Their Lordships were probably not aware of what the habitations of the labouring classes were, especially in the Western part of London. In Westminster, Soho, and partially St. Pancras, labouring men and their families inhabited, for the most part, single rooms in houses of considerable size, that were built at the end of the 17th or the beginning of the 18th century, and were originally occupied by gentlemen; and the rent was about 5s. for each room. He had visited whole streets of such houses, going from house to house, and his experience was that water was only supplied to them for an hour or half an hour daily, and collected in a water butt in the basement, from which a large portion of it escaped, rendering the underground portion of the buildings damp and unhealthy. The families living in the different flats were obliged to carry all their water upstairs, and when a woman with a family and a baby had to go into the basement and fetch up every drop of water that was required, they might be sure that she would do with as little as possible. It was distressing to see how a family coming up from the country gradually deteriorated in their habits of cleanliness. Then, it was hardly necessary to say, a dirty room was but a poor counterbalance to the temptations of the public-house, and the water in a cistern which might not have been cleaned out for years was not a very inviting draught. All these facts were well known. Committee after Committee and Commission after Commission had sat on the subject; and it was agreed on all hands that the first step towards an improvement in the quality and in the distribution of water in the Metropolis was to consolidate the various agencies of supply. It was only some supreme power that could effect the necessary improvements by obtaining water from better sources, and supplying it in sufficient quantities. By giving a continuous supply, a great waste of water would be got rid of, and this should lead to a great reduction in the cost of supply. There would be a great saving also from the better means of extinguishing fires. No doubt, when negotiations were entered into with the Water Companies, the scheme prepared by the late Mr. Smith showed that a very large sum of money would be required for the purchase of the existing

works, and the Vestries became alarmed; the subject was reconsidered, and then it was decided against. Though, however, the cost would be very great, it should be borne in mind that the longer the scheme was deferred the greater would be the cost of carrying it out. In the last 10 years the population had increased by 560,000 in the districts affected by the Metropolitan water supply. The erection of houses was still enormously increasing. In Hammersmith and Fulham, for instance, it was computed that two houses were completed every day, and South of the Thames four were completed every day. According to the Registrar General, the chief increase in the population occurred in the outer circle of the town, the increase in that circumference having amounted to 50 per cent, while in the inner circle it had only been 10 per cent. This increase of the population, of course, necessitated an additional supply of water day by day, with additional machinery, mains, pipes, cisterns, &c. Now, the new works undertaken by the Water Companies were being erected upon exactly the same principles as those prevailing long ago, so that the defects of the old systems were being continued upon a vast scale. When, therefore, the matter should be taken in hand by the Government, not only would the cost have largely increased, but all the work lately done by the Companies would have to be undertaken *de novo*. All these circumstances pointed to the necessity of avoiding further delay. It was admitted that the valuable property of the Water Companies must be bought at a fair price. To ascertain what price should be given recourse might be had to arbitration. This initial step, he might add, could be taken without the intervention of an Act of Parliament. If the Government could assure the House that steps had been taken, or were about to be taken, to improve the water supply of the Metropolis, the announcement would be received with very great thankfulness and satisfaction by the large population of London, who were suffering through the present arrangements of our water supply in health, comfort, and morality.

THE EARL OF DALHOUSIE said, he could assure the right rev. Prelate that the Government fully recognized the enormous importance of this question. It had been the intention of the Go-

The Bishop of London

vernment to introduce into Parliament this Session a Bill dealing with the question on the basis of the recommendations of the Select Committee of the House of Commons, which sat last year; but the state of Public Business had made it impossible for the Government to do so. Their Lordships would understand that in dealing with a matter of this kind, in which large pecuniary interests were involved, it would scarcely be prudent to proceed unless with some reasonable prospect of a successful and final issue. The Government hoped and expected to deal with the matter next year.

EARL FORTESCUE said, he agreed with the right rev. Prelate that delay was most undesirable, and was of opinion that some of the recommendations of the Committee who had investigated the subject were of a nature to cause delay, should the Government determine to act upon them. He would urge the Government to proceed with this matter, as a large number of houses were constantly being erected, the population growing rapidly; and the costs resulting from the separate and independent action of the Water Companies in constructing mains and reservoirs would be much larger than if the works were done by one body under a uniform system. He thought that the Local Government Board, who could command the services of thoroughly competent engineers, might advantageously take the initiative, and begin at once to prepare for legislation. He could confirm what had been said as to the unsatisfactory water-butts and cistern arrangements in very many houses which were let out in tenements, and there could be no doubt whatever that it was most desirable that there should be a constant supply of water. By various Acts of Parliament the Companies, if required, were bound to furnish a constant supply; but, owing to the want of unanimity and co-operation among householders, the cases were very rare where a constant supply was obtained. The question was one of the highest importance, both as regarded sanitary matters, fire, and intemperance, which was largely increased by the want of pure water.

THE EARL OF REDESDALE (CHAIRMAN OF COMMITTEES) said, he desired to point out that if any nuisance existed in consequence of a short supply of water,

the sanitary authorities of the district could take cognizance of it. In many cases the owners of houses did not take proper care that the occupiers obtained a supply of water. The Companies were bound to supply water, and if they did not the sanitary authorities should interfere and compel them to do so. The condition of the cisterns was also a matter for the sanitary authorities, and did not concern the Water Companies, who were frequently blamed indiscriminately for things for which they were not responsible.

TURKEY—MIDHAT PASHA—FULFILMENT OF SENTENCE.

QUESTION. OBSERVATIONS.

LORD STRATHEDEN AND CAMPBELL, in rising to ask the Government, Whether their influence at Constantinople is being exercised to arrest proceedings in the case of Midhat Pasha? said, he hoped that in the absence—which he regretted—of the noble Earl the Secretary of State for Foreign Affairs, some Member of the Government would be able to give an answer to his Question. No doubt all the Members of the Government knew what answer to give, because the Prime Minister really decided these matters, and his Colleagues must be in possession of his views. The fate of Midhat Pasha was a question in which the people of this country took great interest. There was no doubt that he had not had a fair trial, and obstacles were put in the way of his defending himself. There was little doubt that Abdul Aziz had put an end to his own life; and he thought that the public law of Europe, about which so much had been said of late years, should be put in motion on his behalf. It might be said that public law would be an obstacle to exercising influence to arrest proceedings in the case; but if that were so, public law had been set at naught by every Ambassador whom the Queen had employed at Constantinople recently.

LORD STANLEY OF ALDERLEY said, he regretted the course which the noble Lord had taken, as damaging to his consistency, since he usually respected the Law of Nations; but now he asked the Government to do something which was quite contrary to it. He was not only asking them to obtain a commutation of the sentence passed on Midhat

Pasha, but to arrest proceedings. A month ago the noble Lord intimated that the Foreign Secretary had not the control of the Foreign Office, but that the Prime Minister had; and the Prime Minister had stated in "another place" that this was a case in which the Government had not the right to interfere. The noble Lord should have been satisfied with that answer. When Midhat Pasha was Grand Vizier he was responsible for what was going on at Constantinople; and after the time that Sultan Abdul Aziz Khan's death took place he did not institute any inquiry into any of the circumstances that had surrounded it. No doubt, it was unfortunate that in the recent trial the Ottoman Government had adopted European forms; and it would have been better if the Turkish Government had followed their own forms of trial in this case. However, he had no doubt that substantial justice had been done to Midhat Pasha. The present Question was, moreover, unnecessary, because the sentence had already been commuted, and Midhat Pasha was going into a healthy climate where there need be no fear on account of his health. Midhat Pasha was a good administrator in Bulgaria, but he had been too much praised for what he had done; and, on the whole, he was an ignorant rather than a learned man. However, in Midhat Pasha's present situation, he would rather not make further observations upon his administration of affairs. There was no ground for any alarm in regard to the country to which he was banished.

THE EARL OF KIMBERLEY said, he was sorry that his noble Friend the Secretary of State for Foreign Affairs was not present to answer the Question of the noble Lord. As to the actual form of the Question, he agreed with his noble Friend opposite (Lord Stanley of Alderley) that it would be an extraordinary interference on the part of one Government to exercise its influence upon another in order to arrest proceedings which the latter had thought it necessary to take in regard to an accusation against a subject of that Government. But probably his noble Friend desired to know what course had been taken by Her Majesty's Government in the whole matter; and what he had to say was that in a question of so much delicacy, involving the internal government of the Porte, and touching

the Sultan himself, Her Majesty's Government had not thought that it would be desirable to exercise any direct advice or interference; but feeling, as they did, an interest in this matter, they had been able, through Lord Dufferin, in a perfectly private and unofficial manner, to express their wish that it might be the pleasure of the Sultan to deal with this matter in a merciful spirit. He was not in a position to state that it had been officially notified that the sentence passed upon the incriminated Pashas had been commuted; but he had good reason to believe that the statement in the newspapers alluded to, that the sentence had been commuted to banishment to Arabia, was true.

LAND LAW (IRELAND) BILL.

THE EARL OF KIMBERLEY intimated that the Land Law (Ireland) Bill was expected from the other House in a few minutes.

THE MARQUESS OF SALISBURY: If I may ask a question about a Bill which is not yet before the House, I should like to know whether the Bill will be printed and circulated to-morrow. It would be a great convenience.

THE EARL OF KIMBERLEY said, he was not certain, but he thought it might be circulated to-morrow evening.

House adjourned during pleasure.

House resumed at Eleven o'clock.

The Lord THURLOW—Chosen Speaker in the absence of the Lord Chancellor and the Lord Commissioner.

LAND LAW (IRELAND) BILL.

Brought from the Commons; read 1^a; to be printed; and to be read 2^a on Monday next: (*The Lord Privy Seal*). (No. 187.)

LEASES FOR SCHOOLS (IRELAND) BILL [H.L.]

A Bill to facilitate leases of land for the erection thereon of schools and buildings for the promotion of public education in Ireland—Was presented by The Lord O'HAGAN; read 1^a. (No. 188.)

House adjourned at Eleven o'clock, to Monday next, Eleven o'clock.

The Earl of Kimberley

HOUSE OF COMMONS,

Friday, 29th July, 1881.

The House met at Two of the clock.

MINUTES.]—SELECT COMMITTEE—*Report*—Stationery Office (Controller's Report) [No. 356].

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES—CLASS II.—SALARIES AND EXPENSES OF CIVIL DEPARTMENTS—Committee R.P.

Resolutions [July 28] reported.

PUBLIC BILLS—*Second Reading*—Superannuation (Post Office and Works) * [228].

Committee—Petroleum (Hawking) [222] [House counted out].

Third Reading—Land Law (Ireland) [225], and passed.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MESSRS. CROTTY AND MARSH, PRISONERS UNDER THE ACT.

MR. O'SHEA asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Messrs. Crotty and Marsh are confined in Limerick Gaol on suspicion of having been concerned in an attack on a house near Tomgraney (Clare) on the 29th of May; and, if so, whether representations have reached him to the effect that Messrs. Crotty and Marsh assert that they can prove, by the evidence of policemen and others, that they were at a considerable distance from Tomgraney, on their way to Nenagh Fair with cattle, when the house in question was attacked?

MR. W. E. FORSTER, in reply, said, there seemed to be reasonable ground for the suspicion on which the arrests were made; the evidence that had been laid before him confirmed him in that view; and when the time came to reconsider the matter, if there were any further information the case should be inquired into.

POOR LAW (IRELAND)—IRREGULARITY IN KILRUSH WORKHOUSE, CO. CLARE.

MR. O'SHEA asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the fact that a pauper lunatic in Kilrush (Clare) Workhouse has been found to be pregnant; and, whether an

inquiry has been made into the case by an inspector of the Local Government Board; and, if so, whether it is intended to publish the Inspector's Report?

MR. W. E. FORSTER, in reply, said, his attention had been called to the fact mentioned in the Question of the hon. Gentleman, and an inquiry had been held by an Inspector of the Local Government Board; but the poor woman was so imbecile that nothing could be made of her statements. The nurse in charge of the ward was considered to have failed in attention to her duties, and she had been discharged by the Local Government Board. He did not think it necessary to publish the Report of the Inspector, the substance of which had been communicated to the local Guardians. He could not say whether reporters were excluded from the inquiry.

LAW AND POLICE—PRACTICE OF CARRYING FIREARMS.

SIR HENRY TYLER asked the Secretary of State for the Home Department, Whether he will take into consideration the question of dealing by legislation with the cases of burglars and others carrying revolvers or other firearms and shooting innocent people, and of appropriately punishing such crimes whether attended or unattended by fatal results?

SIR WILLIAM HARCOURT: Sir, I answered a Question similar to this earlier in the Session. I learn from the police that the practice of carrying firearms is not very frequent. At the same time, I think it would be very desirable to provide some severer punishment for offences committed by persons carrying them. In any amendment of the Criminal Law it would be well to introduce such a change.

SIR HENRY TYLER said, that the Secretary of State for the Home Department had not taken any notice of the last part of the Question, with regard to appropriately punishing such crimes, whether unattended or attended by fatal results.

SIR WILLIAM HARCOURT: Sir, what I meant to say was that slight offences committed by men carrying firearms should meet with severer punishment than crimes committed by men who do not carry firearms.

LAW AND JUSTICE—SUMMARY JURISDICTION ACT, 1879—FINES AND COSTS.

MR. HOPWOOD asked the Secretary of State for the Home Department, Whether, in view of cases like that of the "lark's nest" recently before him, and other instances in which defendants are being sent to gaol for non-payment of fines, he will consider the propriety of calling the attention of justices of the peace to the power given to them by "The Summary Jurisdiction Act, 1879," to afford time for payment by instalments so as to avoid unnecessary imprisonment; and, whether he will cause an inquiry to be made into the scales of costs and fees in use at petty sessions throughout the Country, with a view to their revision and reduction, and thus prevent the disproportion of costs to the fine inflicted, which occurs in many cases?

SIR WILLIAM HARCOURT: Sir, I doubt whether there will be any great advantage in calling the attention of justices to the provisions of the Summary Jurisdiction Act—they are perfectly well acquainted with them; but I agree very much in the regret that the wise provisions introduced into the Act by my Predecessor are not carried out so beneficially as they might be in many cases. In many cases, as everybody knows, where the fine is under 5s. there can be no costs, unless the justices specially certify them, and this they are too frequently in the habit of doing. I have pointed out to them that this is not what is intended by the Act; it was intended that only in exceptional circumstances should costs be given. The reply I receive is—"Oh, but we impose a small fine on account of the costs." In my opinion, that is not a judicious proceeding; it gives to the public an unfair impression of what has really happened. It appears that a person has been fined only 1s., when, in point of fact, he has had to pay 30s.; therefore, I much desire that the provisions of the Act with reference to costs were more fully carried out. The second part of the Question opens up a very difficult matter. I have very often much regretted that large bills of costs were attended these convictions, especially in the case of poor people; but it must be remembered that our present system is that these costs defray the expenses

of the administration of justice to a great degree; and if you are to change the system, either the local authorities must undertake to pay the expenses which are now paid by fines, or the Exchequer must bear them, and both of these are serious propositions.

SIR R. ASSHETON CROSS: Sir, perhaps I may be allowed to say, as I had the honour of carrying the Bill of 1879, that I agree with every word of the right hon. and learned Gentleman's answer to the first part of the Question; what he has said is in entire accordance with the object with which the Act was passed.

ARMY—THE ORDNANCE COMMITTEE.

MR. LEAMY asked the Secretary of State for War, If he has any objection to state the number of guns examined by the Ordnance Committee since 1st January last; the branch of the public service for which those guns were intended; the names of the inventors; and if any of the guns consisted of more than one chamber, and, if so, how many?

MR. CHILDERS: Sir, the hon. Member is mistaken in supposing either that the Ordnance Committee commenced its duties in January last, or that it is its function to examine guns indiscriminately. Its work began, as I have already informed the House, in April, and the only duty of the Committee is to report to the Secretary of State on questions of ordnance and kindred subjects especially referred to them by him. The most important question so referred to them is that of the muzzle and breech-loading guns of the greatest calibres, from 43 tons to 100 tons weight; but this has not stood in the way of some less important references, and about 14 smaller guns have been brought by me to their notice. I see no reason to give the House further details now, when the Committee has been at work for so short a time; but I hope, in moving the next Army Estimates, to afford the House useful information on this subject.

PARLIAMENT—MR. BRADLAUGH— THREATENED MEETING IN TRAFALGAR SQUARE.

MR. WARTON, who had given Notice of a Question which stood on the Paper in the following terms:—

Sir William Harcourt

"To ask the Secretary of State for the Home Department whether the police are still unacquainted with the intention that Mr. Bradlaugh has circulated printed notices convening a mass meeting in Trafalgar Square, to be holden at eight o'clock p.m. on Tuesday next, for the purpose of protesting against his exclusion from this House?"

said, he wished to call attention to the fact that the Question had been altered by the officials of the House in such a way as to make it absolute nonsense. The Question was made to read whether the police were "still unacquainted with the intention that Mr. Bradlaugh had circulated in printed notices." He did not ask about that "intention." What he asked was whether the police were still ignorant of the fact that notices had been circulated?

SIR WILLIAM HARCOURT: Sir, I attribute the alteration of the Question to a misprint. I have seen the handbill referred to, and it does not appear to me to propose the holding of a meeting which is prohibited by the words of the statute. The words of the statute are directed to Petitions to the House of Commons, and they would also extend to any tumultuous assemblages with the object of interfering with the action of or intimidating the House of Commons. This meeting and these handbills profess no intention of petitioning or remonstrating with the House of Commons, or proceeding to the House of Commons. We have been furnished by the police with certain instructions which have professedly been given on this matter by the conveners of the meeting in relation to the conduct of the meeting. They express a desire that perfect order may be maintained, and distinctly state that no attempt is to be made to go from Trafalgar Square to the House of Commons. That being so, there is no ground on which I can have legal authority to interfere with the meeting. If I am asked whether Trafalgar Square is an appropriate or a favourable place for a public meeting, I may say, very positively, I do not. [MR. R. N. FOWLER: Hear, hear!] The worthy Alderman opposite and the hon. and learned Member for Bridport (Mr. Warton) know that within the last few years frequent meetings have been held in Trafalgar Square—whether they attended them or not I cannot say. I have witnessed some of them, although they were not for objects with which I spe-

cially sympathized. Unfortunately, there has grown up a habit of holding meetings there which I wish was terminated. I need hardly say that every precaution will be taken to prevent interruption to the traffic, and, above all, to restrain any disturbance or any interference with the access to the House of Commons.

ARMY ORGANIZATION—REGIMENTAL COLOURS.

SIR ALEXANDER GORDON asked the Secretary of State for War, Whether he has yet consulted the Military Authorities about the continued use of "Regimental Colours," as promised by him on the 12th August last; and, if he can give to the House his opinion on the subject?

MR. CHILDERS: Sir, in reply to my hon. and gallant Friend, I have to say that, in fulfilment of my promise given at the end of last Session, and renewed in February last, the Commander-in-Chief sent to all general officers and colonels commanding battalions in the United Kingdom a Circular inviting their opinion as to the expediency of retaining one or both of the regimental colours, and, should they be retained, as to the expediency of taking them with the regiment on active service. To this Circular 83 answers have been received, and after carefully weighing them the Duke of Cambridge has decided upon, and I have approved, a General Order, which will recite that in consequence of the altered formation of attack and the extended range of fire, regimental colours shall not in future be taken with the battalions on active service. When, however, a battalion goes abroad in the ordinary course of relief they will accompany the battalion, but be left with the dépôt which has to be formed on such occasions if the regiment goes on active service. Except in this respect no change will be made, both colours being retained as affording a record of the services of the regiment, and furnishing to the young soldier a history of its gallant deeds. At reviews and occasions of ceremony they will be usually taken with the battalion.

SIR ALEXANDER GORDON said, that in consequence of the answer of the right hon. Gentleman he would not proceed with the Resolution standing in his name with respect to this subject.

NAVY—THE DISASTERS TO THE SHETLAND FISHERMEN.

MR. GOURLEY asked the Secretary to the Admiralty, If any material assistance has been or is to be sent to the Shetland Islands by the Admiralty for the purpose of relieving the widows and orphans of the unprecedented number of fishermen who lost their lives in the gales of the 20th and 21st instant; and, whether the "Eagle" revenue cutter is a sailing or steam cruiser; and is the only vessel now cruising upon that station?

MR. LAING asked whether he might be allowed to supplement the Question by asking whether the Government would consider the propriety of giving assistance in the form of money?

MR. TREVELYAN: Sir, the Admiralty has not sent any material assistance to the families of the fishermen who lost their lives in such a melancholy manner. It appears to be a proper case for a movement on the part of the general public, and I am glad to see that that is the opinion of some very influential gentlemen. The *Eagle* is a sailing cruiser of 118 tons. She was on the ground at the time of the sudden gale, and has been directed to cruise to the eastward and render assistance to disabled boats.

LAW AND JUSTICE (IRELAND)—THE MAGISTRACY—THE HIGH SHERIFF OF COUNTY LOUTH.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the report in the "Dundalk Democrat" of 16th July, of a police prosecution for assault in a drunken brawl in the town of Louth on July 17th, in which the magistrates considered the case met by a 5s. fine, whereupon the County Louth High Sheriff is reported to have said—

"He was high sheriff for the county and responsible for the peace of it. He was jealous of the character of the county, and did not wish it to be proclaimed, but he warned those present that if his servant or any other persons were again attacked, he would communicate with the Castle and have the county at once proclaimed. He did not say he made those observations on account of this case. The case just decided may or may not be the cause of these remarks, but he again warned the people for their own sake to be peaceable and not to oblige him to take steps and have the county proclaimed;"

if the report is substantially correct, whether it is the fact that high sheriffs can have counties proclaimed in this way; if not, whether he can reassure the public that proclamations are not issued without due consideration and on proper representation; and, whether the Government will take any notice of the high sheriff's language?

MR. W. E. FORSTER, in reply, said, he had seen the newspaper referred to. The hon. Member had rightly quoted the statement reported in the paper; but he did not know whether it was a correct report, and had not thought it necessary to inquire. He could only say that he could hardly suppose the High Sheriff spoke of proclaiming the county, as he certainly must have known he had no power to do so.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MESSRS. FLOOD, PRISONERS UNDER THE ACT.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the offence for which the Messrs. Flood (since released) were arrested was on suspicion of houghing cattle; whether it is true that the County Grand Jury have since assessed damages on three townlands for the injury to the cattle; whether it is the fact that, although the Messrs. Flood live in Robertstown, the adjacent townland to those on which the damages were levied, the Grand Jury, whose members were aware that the Floods were imprisoned on suspicion of having committed the outrage, and with all the information and evidence before them, did not levy any portion of the compensation paid for the cattle on Robertstown, the townland where the Floods reside; and, if so, whether he can explain this, and say whether any other cattle have been houghed in the district except those for which the Grand Jury gave the compensation above-mentioned; and, in that case, to whom they belonged?

MR. W. E. FORSTER, in reply, said, the men named had been arrested on suspicion of maiming cattle, and had been since discharged. With respect to the action of the Grand Jury, he could not enter into a discussion on a matter over which he had no power, and with which he had no concern. No cattle had been maimed except those in re-

spect of which compensation was assessed.

MR. HEALY said, the right hon. Gentleman had not answered his Question. It was whether the Grand Jury, knowing all the facts, did not levy the damages on the district in which the Floods resided, but in the adjoining townships?

MR. W. E. FORSTER said, he thought he had given an answer to the Question. It was true the Grand Jury had assessed the damages in the manner stated; but he could not say what the Grand Jury knew.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—RELIEF FOR FAMILIES OF PRISONERS UNDER THE ACT.

MAJOR NOLAN asked the Chief Secretary to the Lord Lieutenant of Ireland, If he will give directions that the families of persons arrested under the Peace Preservation Act should receive outdoor relief if in indigent circumstances, and if a majority of the guardians are in favour of such a course being pursued?

MR. W. E. FORSTER, in reply, said, the Local Government Board had issued an Order authorizing Boards of Guardians in Ireland to afford out-door relief to the families of the persons referred to.

COMMERCIAL TREATY WITH FRANCE (NEGOTIATIONS).

MR. MONK asked the Under Secretary of State for Foreign Affairs, Whether any further communication has been received from the French Government as to the proposed new Commercial Treaty with France?

SIR CHARLES W. DILKE: Sir, a communication was received from the French Government on the subject last Saturday, and a further communication to-day. The latest Papers will be considered at a meeting of the Royal Commission to be held this afternoon; but we are not in a position to make any statement with regard to the present state of the negotiations.

VISCOUNT SANDON asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government has made no communication to the commercial community of Great Britain re-

Mr. Healy

specting the new French Tariff, and the negotiations for the French Treaty, beyond inviting by public advertisement the evidence before the Royal Commission of any parties interested in the trades affected by the French Tariff; and, whether he will give the altered Return which he has placed on the Paper, namely, a Return of the names of all places, under the heading of Counties in alphabetical order, from which communications have been addressed either to the Foreign Office, or the Royal Commissioners for the French Commercial Treaty, or the Board of Trade, on the subject of the new French Tariff, and of the proposals of France for a new Commercial Treaty; giving, under the heading of each place, in order of time, the names, and, as far as possible, the trades or occupations of the persons by whom such communications were addressed, as well as the Department to which they were sent; and stating in each case if such persons are representatives of any public body, Chamber of Commerce, or Trade Society; and a list of all the witnesses (with their trades, occupation, and addresses, so far as they are known,) who have been examined by Royal Commissioners for the French Commercial Treaty, and of the Witnesses, if any, who offered themselves for examination, but whose evidence was not taken?

SIR CHARLES W. DILKE: Sir, communications respecting the new French Tariff, forwarding documents connected with it, have been made from time to time to Chambers of Commerce and to Commercial Associations which have addressed the Foreign Office on the subject. On the 25th of March, when the discussion on the new Tariff in the French Parliament was approaching its conclusion, these Chambers and Associations were informed, confidentially, of the state of the case, and asked for their observations with respect to it. On the 31st of May a Circular was addressed to all the Chambers of Commerce, calling attention to the appointment of the Royal Commission, and stating that any further statements would be received, and that the Royal Commissioners would confer with any delegate who might be appointed. The Return in question will be given as far as possible; but, as any communications which have been made to the Board of Trade have been passed

on by that Department to the Foreign Office or the Royal Commissioners, it would be better to limit it to communications addressed to the Foreign Office or Royal Commission.

SOUTH AFRICA—THE TRANSVAAL— MURDER OF CAPTAIN ELLIOTT AND MR. MALCOLM.

MR. ASHMEAD-BARTLETT asked the First Lord of the Treasury, What steps Her Majesty's Government intend to take in order to bring to justice the murderers of Captain Elliott and Mr. Malcolm, the persons accused of these crimes having just been acquitted against the weight of evidence; and to punish those who are responsible for the massacre of Colonel Anstruther's detachment at Brunker's Spruit?

SIR STAFFORD NORTHCOTE said, he did not know whether the right hon. Gentleman was aware of what was being done in the case of Dr. Barber; but it was desirable that the House should be made acquainted with what was intended in that case.

SIR CHARLES W. DILKE, in reply, said, he had been requested by his right hon. Friend to reply to these Questions. With respect to the inquiry of the right hon. Baronet, he had to request that Notice should be given of it. With regard to the Question of the hon. Member, it was placed on the Paper at a late hour last night, and he had not since had any opportunity of seeing Lord Kimberley, or of reading the Papers in the Colonial Office on the subject. He would, therefore, ask that any part of the Question of the hon. Member, not covered by his answer, might be renewed at another time. A brief telegram from Sir Hercules Robinson had been received, which stated that with regard to the inquiry into the murder of Captain Elliott, the Chief Justice and the Attorney General both stated that the jury was a respectable one. That was all that the telegram said with regard to the justice or injustice of the verdict. As to Mr. Malcolm's case, Sir Hercules Robinson telegraphed on the 27th instant—

"Persons accused of Malcolm's murder acquitted. The Chief Justice considers that the evidence was conflicting on many material points."

As regards the massacre of Colonel An-

struther's detachment, he (Sir Charles W. Dilke) was not in a position to state whether any further steps were contemplated; but Her Majesty's Government had not received any information which indicated that the transactions were of such an exceptional nature as to bring them within the definition of acts contrary to civilized warfare.

SIR MICHAEL HICKS-BEACH inquired whether, when full Reports were received by the Government in reference to the cases, they would be presented to the House? It was most desirable that hon. Members should know in what way the investigation had been conducted, and what was the opinion of the Government on the subject.

MR. GLADSTONE said, he had no doubt that such Reports would be received; the first duty of the Government would then be to consider the Reports very carefully, because they related to matters which were grave in themselves. He did not know, however, that anything had happened which would justify the expression of any opinion; and he thought the right hon. Baronet would agree with him that it would be premature to give any pledge with respect to the production of the Papers until they had been received and considered.

SIR HENRY TYLER asked whether any information would be given as regards the massacre at Brunker's Spruit?

SIR CHARLES W. DILKE said, he would be glad to answer the Question if the hon. Member would give Notice of it; and he repeated that the Colonial Office had no information that the transactions referred to were of such an exceptional nature as to bring them within the definition of acts contrary to civilized warfare.

SIR STAFFORD NORTHCOTE said, he hoped that information in regard to the murder of those officers would be laid before Parliament before the end of the present Session; and, further, that the House would also be informed as to the steps which Government intended to take in reference to the matter.

AFGHANISTAN—DEFEAT OF THE AMEER'S FORCES.

SIR HENRY TYLER (for Mr. ONSLOW) asked the First Lord of the Treasury, At what distance from the scene where the recent engagement between the Amir of Afghanistan and

Ayooob Khan has been fought is there any considerable force of Anglo-Indians, and under whose command?

THE MARQUESS OF HARTINGTON: Sir, my right hon. Friend has asked me to answer this Question. I had, perhaps, better state all that it is at present possible to state with regard to the circumstances which have occurred in Afghanistan. The only official telegram which has been received, and which has not been communicated to the Press, or read to the House, is the following, received late last night:—

"From Viceroy, Simla, July 28.

"Two Sirdars have reached Chaman from scene of action, which lasted from 8 to 11 a.m. They say the Cabuli regiments fought at first, but, after action, Khanabad regiment went over in a body to Ayooob. The other three dispersed and fled. They heard firing in Candahar direction last night and again this morning. General Ghalam Haidar went first to the city before starting for Cabul. They estimate the loss at 300 to 400 on both sides."

With reference to the distance from the seat of action of the force of Anglo-Indians, I may say that the headquarters force, under the command of General Hume, is at Quetta and in the neighbouring districts of Pishin and Sibi. That division amounts to a force of between 5,000 and 6,000 men; but, up to the present, I cannot say what is the exact distribution of the forces. The most advanced fort which has been occupied—I am not certain whether it is occupied at present or not, but I think it probably is—is Chaman, about 85 miles from Candahar; and Karez-i-Atta, where the recent action took place, is situated about 25 miles beyond Candahar. I have received a private telegram from the Viceroy stating that he had directed General Hume to concentrate all the troops at his command, if necessary, in the neighbourhood of Quetta, so as to be able to cope with any fresh disturbance that may arise there.

LORD RANDOLPH CHURCHILL: I wish to ask the Prime Minister what meaning he wishes the House to draw from the expression he made use of last night—"A considerable Anglo-Indian force is in the neighbourhood of the action." [Mr. GLADSTONE dissented.] I do not know whether these are the Prime Minister's exact words. These were the words that fell from him, as reported in *The Times* of this morning, and

Sir Charles W. Dilke

I want to know the exact meaning to be put upon them?

MR. GLADSTONE: I cannot give any meaning to the words—I never used them. I certainly did not say that there was a large Anglo-Indian force in the neighbourhood where the action took place. What I said was “in the neighbourhood of that portion of Afghanistan—namely, Candahar.” That is not where the action took place.

LORD RANDOLPH CHURCHILL: I beg to ask the Prime Minister to state distinctly what impression is to be drawn from the expression used by him last night with regard to the presence of a large Anglo-Indian force in the neighbourhood?

MR. GLADSTONE: In my view, the question of the noble Lord has been answered by the telegram just read by the noble Lord.

COLONEL STANLEY: May I ask the noble Lord a question with reference to the answer he has given? He stated that the troops are close to Quetta. Are we to understand that in consequence of the directions given to General Hume to concentrate the forces under his command at Quetta, the troops are to be withdrawn from Pishin and Sibi?

THE MARQUESS OF HARTINGTON: I cannot give any further information than I have received. A division, as I have stated, under General Hume's command, numbering between 5,000 and 6,000 men, is, no doubt, at present in occupation of various positions in the district. If General Hume considers it necessary to concentrate the whole force at Quetta, it would involve withdrawal from Pishin and Sibi.

MR. E. STANHOPE: Would the noble Lord make inquiry on the subject? Are Pishin and Sibi to be left entirely at the mercy of—

THE MARQUESS OF HARTINGTON: Perhaps the hon. Gentleman will finish his question. At the mercy of whom?

MR. E. STANHOPE: What I intended to say was whether they were to be left to anarchy?

THE MARQUESS OF HARTINGTON: The Viceroy appears to have considered that any excitement in the district which was likely to follow the report of the victory of Ayob Khan would be best met by the concentration of the forces under General Hume's command. It is impossible for me to state at this moment

what is the position in regard to Pishin. No doubt, General Hume will take the measures which he considers best adapted for preserving the tranquillity of the district now occupied by British troops.

SIR WALTER B. BARTTELOT: I wish to ask the noble Lord whether any application had been made by the Ameer for the assistance of British troops?

THE MARQUESS OF HARTINGTON: Not that I am aware of.

SIR HENRY TYLER: May I ask the noble Lord a Question, of which I gave Notice at the commencement of the Sitting, Whether he would be so good as to inform the House what steps, if any, Her Majesty's Government intend to take, and what attitude they propose to adopt, with reference to the circumstances of the defeat in Afghanistan—that is to say, what is the policy of Her Majesty's Government as to supporting Abdurrahman after his defeat?

THE MARQUESS OF HARTINGTON: I have no further communication to make to the House. No doubt, if the Viceroy considers further steps necessary he will communicate to Her Majesty's Government; but until I have received further information from the Government of India it is not proposed to take any further steps.

LORD ELCHO: I should like, if my noble Friend will excuse me, to trouble him with one more question. It is with reference to a possible contingency, and the course the Government will take. Supposing Ayob Khan gets possession of Candahar and the Khojak Pass, which, as everybody knows, is a most important pass, will the Government allow the pass to be occupied by Ayob?

THE MARQUESS OF HARTINGTON: I really think it would be unnecessary, and probably inconvenient, that I should answer the question.

INDIA—PENSIONS FOR EMINENT SERVICES—SIR FREDERICK ROBERTS.

SIR H. DRUMMOND WOLFF asked the Secretary of State for India, Whether, in the year 1869, an Act was passed to enable Lord Napier of Magdala to receive the full benefit of the salary of Member of Council for the Presidency of Bombay, or as holding any other office in India, notwithstanding his being in receipt of an annuity, and notwith-

standing other Acts of Parliament; if he can state why a similar indulgence was not extended to Sir Frederick Roberts in respect of the annuity granted to him for his services in Afghanistan; whether a sum of £25,000 was voted to Sir Garnet Wolseley for his services in Ashantee; whether the annuities conferred on Lords Keane, Gough, and Hardinge, and Sir H. Havelock, were charged on Imperial Revenues, though granted for Indian services; whether, in commemoration of the famous exploit of General Roberts, a bronze star is to be or has been given to those who took part in it; whether it has been held that we cannot clearly define as an Indian object the purpose of the Afghan War, and that in consequence a grant has been made from Imperial funds towards the expenses of that war; and, whether, taking into consideration the foregoing precedents, and also the admittedly composite character of the campaigns in which Sir F. Roberts took part, Her Majesty's Government will reconsider their decision as to the £12,500 awarded to Sir F. Roberts, and grant him either from Indian or Imperial funds a pecuniary reward more in consonance with such precedents?

THE MARQUESS OF HARTINGTON: It is true, Sir, as stated in the Question, that an Act was passed to enable Lord Napier of Magdala to receive the full benefit of his salary as a Member of Council, notwithstanding his being in receipt of an annuity. It is also true that £25,000 was voted to Sir Garnet Wolseley for his services in Ashantee. It is further the fact that Her Majesty's Government have held that the Afghan War cannot be considered to have been undertaken solely for Indian purposes, and that it was just, therefore, to make an Imperial contribution towards the expenses of the war. That Imperial contribution has been made in the shape of a grant of £5,000,000. It has never been proposed or suggested that any further contribution should be made, or any division of the detailed expenditure of the war should be made, between the Indian and Imperial Governments. There is, so far as I am aware, no more reason why the Imperial Government should undertake a share of the payment of the officers than why they should undertake to pay the commissariat or any other of the expenses in-

involved. The hon. Member asks why a similar Bill was not introduced in the case of General Roberts as in the case of Lord Napier of Magdala. I may say, in reply, that it is perfectly certain that such a Bill could not have passed through this House without considerable opposition and delay. The circumstances would have been in that respect very different from those in which Lord Napier's Bill was passed; and I am not prepared to say, even if I could have been certain that the Bill would pass without any opposition, that I should have been prepared to introduce, or that the Council of India would have been prepared to support me in introducing, a Bill in conformity with that precedent. All I can say in answer to the general question is, that, looking to the precedents which have been published in the Return recently moved for by the hon. Gentleman, it appeared to the Government that the services of Sir Donald Stewart and Sir Frederick Roberts would be adequately met, in conformity with former precedents, by a grant of £1,000 a-year for life, and looking to the exceptional circumstances in which those two officers were placed by their being at the time in high office under the Indian Government, and thereby disqualified for an immediate pension, a grant of £12,500 in commutation of the annuity was an adequate and even a liberal one.

SIR H. DRUMMOND WOLFF begged to point out that the noble Marquess had not replied to that portion of his Question relating to the annuities conferred on Lords Keane, Gough, and Hardinge, and Sir Henry Havelock.

THE MARQUESS OF HARTINGTON: I believe it is a fact that the annuities referred to were charged on Imperial revenues. I have not made any inquiry into the circumstances in which these annuities were granted; but I do not see anything to induce me to modify the general reply I have just given.

BOARD OF WORKS (IRELAND).

MR. R. POWER asked the Chief Secretary to the Lord Lieutenant of Ireland, How it was that *The Times* Correspondent at Dublin had been able the day before yesterday to furnish that journal with the substance of the information contained in the 49th Report of

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the Irish Board of Works, which had only reached the hands of hon. Members this morning; whether he was aware of the means by which that person had obtained a copy of the Report in question; and, if not, what course he intended to take to prevent public documents of this character from being prematurely published?

MR. W. E. FORSTER, in reply, said, that this was the first that he had heard of the matter; he had not seen the statement in *The Times* referred to by the hon. Member, and, therefore, he could give no explanation of the matter. The hon. Member, however, must be aware that the Irish Board of Works was not under the control of the Irish Government. His right hon. and learned Friend the Attorney General for Ireland informed him that a proof of the Report in question had been in the Library of the House of Commons for some time.

ORDERS OF THE DAY.

LAND LAW (IRELAND) BILL.—[BILL 225.]

(Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(Mr. Gladstone.)

MR. W. H. SMITH said, he rose to move, as an Amendment to the right hon. Gentleman's Motion, that the Bill be re-committed in the terms of the Notice which he had given with regard to Clause 35. It was hardly necessary that he should do more on that occasion than shortly state the grounds upon which he asked for the re-committal of the Bill. He took that course because he was desirous of inserting in the clause to which he referred a provision to the effect—

"Provided always, That in case at any time after the expiration of a period of six years from the passing of this Act a Commission shall have been issued by Her Majesty under Her Royal Sign Manual to ascertain and report whether the business of the Land Commission makes it requisite or not requisite that, after the expiration of the said period of seven years from the passing of this Act, there should be, in addition to the Judicial Commissioner, one or

two other Commissioners; and, in case that Commission shall report that the business of the Land Commission makes it requisite that there should be, in addition to the Judicial Commissioner, one or two other Commissioners, and that such other Commissioner or Commissioners should be appointed for a period to be stated by such Commission, Her Majesty may, by Warrant under the Royal Sign Manual, from time to time appoint some fit person or fit persons to be such other Commissioner or Commissioners to hold office during the period stated in such Report. If such Commission report that the business of the Land Commission does not require that there should be any Commissioner in addition to the Judicial Commissioner, then upon the expiration of the said period of seven years after the passing of this Act, all the jurisdiction, powers, privileges, and authority by this Act conferred upon the Land Commission shall thereafter be exercisable and enjoyable by the Judicial Commissioner alone."

On a former occasion the right hon. Gentleman the Prime Minister had courteously accepted the principle of that Provision. Under the Bill, as it now stood, the Commission came to an end in seven years, and only the Judicial Commissioner retained office, whereas the powers conferred by the Bill would require to be administered by more than one Commissioner. Application, consequently, would have to be made to Parliament to wind up the Commission, or to transfer the powers to the one Commissioner left, or, again, to appoint other Commissioners at the end of seven years to carry out the duties under the Act. Such a state of things would lessen the weight that would be attached to the decisions of the Commission. He thought there could be no doubt, after the discussions in this House and the additions made to the Bill, that that Commission would not come to an end in seven years, and that important interests would remain to be performed by the Land Commission—duties which would probably require the attention—and the undivided attention—of more than one important officer. He ventured to think that in matters of this kind legislation should not be enacted more often than was necessary. He thought that if legislation on this subject was not again rendered necessary at the expiration of seven years, the duties sought to be imposed on the Royal Commission would be discharged by that Commission with greater advantage to the public, with greater security, more perfect impartiality, and more satisfactory results, than if, at the end of that time, they had to resort to

Parliament to determine whether there was sufficient work for one or two Commissioners besides the one Judicial Commissioner, who would remain under the Act, or whether it should be performed by one Judicial Commissioner alone. His object in asking the House to accept this proposal was to secure stability, and also permanence, for the work sought to be accomplished; for it was highly desirable that there should be the utmost stability in all the machinery of the Commission, and that the decisions of the Court should be respected. It appeared to him that if the Court came to an end within seven years, there might be an agitation in the country and discussions arise in Parliament which it would be most desirable to avoid, and therefore it was that he now moved the re-committal of the Bill, so far as the 35th clause was concerned.

Amendment proposed,

To leave out from the words "Bill be" to the end of the Question, in order to add the words "re-committed, with respect to Clause 35,"—
(*Mr. William Henry Smith,*)
—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GLADSTONE said, that on a former day the Government, perhaps unconsciously influenced by a desire to reach the conclusion of the Bill, and on that account having satisfied themselves with a less minute examination of the proposal of the right hon. Gentleman than, perhaps, ought to have been made, expressed themselves favourable to a proposition of this kind; but on a closer examination of the matter they had arrived at the conclusion that there was a flaw or defect in the plan which would prevent them from giving their assent to it as it stood. The machinery of the Royal Commission would be put in operation under the clause, and the Commission might report in favour of the prolongation or renewal of the functions of one or more of the lay Commissioners. In that case, the arrangements would be made complete without any reference to Parliament; and he did not know of any reason why they should withhold their assent to such an arrangement, or why they did not make provision for it. But there was another

alternative open. It was that there would be no occasion for the re-appointment of either one or two lay Commissioners, and in that case the plan of the right hon. Gentleman provided that the business of the Land Commission should be handed over entirely to the Judicial Commissioner. There was involved in that proposal a principle of great importance, and one to which the Government would not ask Parliament to give its sanction—namely, that the final appeal in those cases should be confided to the single hands of the Judicial Commissioner. But it might be said—"Strike out that portion of the proposal and retain the rest." If, however, they were to do that, then the proposal became entirely incomplete, because it might happen that after having authorized the Government to put into operation the rather cumbrous machinery of a Royal Commission, it would still be necessary to make application to Parliament, in order to provide some assistance to this Commission in the exercise of its important jurisdiction. Well, certainly the Government could not agree to a proposal for additional machinery at a distant period, unless it were a complete and satisfactory proposal. As it stood it would be unsatisfactory on a very important point, and to strike out part of it would make it incomplete. Therefore, the Government were not prepared to adopt the proposal on either view. He agreed with the observation of the right hon. Gentleman that Parliament was, and probably would continue to be, amply charged with Business, and therefore that it was a good thing if they could dispose at once of something which might otherwise remain and occupy time, and give trouble upon a future occasion. He could not say that he embraced the whole of the proposal of the right hon. Gentleman on the subject, for he seemed to anticipate that it would become necessary, probably at the close of five or six years from this time, to adjust the powers of the Commission. That certainly would be a very formidable affair in Parliament, and would renew all the discussions on the matter. The Government did not take that view. On the contrary, having faith in the provisions of their Bill and in the good sense of the people, they thought that as a matter of business the question would be disposed of without a great amount of

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trouble. On the grounds he had stated, the Government could not assent to the re-committal of the Bill.

SIR STAFFORD NORTHCOTE said, the Prime Minister stated that, in the favourable language he employed a few nights ago, he was influenced unconsciously by the consideration of getting on with the Bill. He was afraid the Government had been unconsciously influenced by a good many considerations during the progress of the Bill in Committee. He did not know what the unconscious influence might be at the present moment; but he must say the objections raised to the right hon. Gentleman's proposal were not very formidable, and he should have thought that the Government might still have considered it possible to adopt the suggestion, and allow this question to be at least discussed. They would, he thought, act wisely to go into Committee, and see whether this clause would be adapted to the circumstances of the case. The Prime Minister admitted that it would be highly desirable at the expiration of seven years to renew the appointment of these Commissioners, and that the clause suggested would meet that difficulty; but the Government were now going to make it imperative on the Government of the day to bring in a Bill on the subject. The House, he thought, must be aware that when a Bill was brought in on such an interesting and important subject there was a tendency on the part of the House to enlarge the scope of the discussion. It seemed to him that the course proposed by his right hon. Friend was wiser than that contemplated by the Government.

MR. SHAW said, he did not think it wise to occupy time now in an endeavour to save the time of the House seven years hence, because it was manifest that if the labours of the Land Commission were consummated, no Ministry in power seven years hence would have the slightest trouble in dealing with the question. He believed before three years were over they would have to legislate on this question of a Royal Commission. The business of settling rents would be complete, and the Commissioners would have nothing to do but to carry on the process of purchasing estates from landlords and re-selling them to tenants, and it would probably strike Parliament that it was unnecessary to keep up this

large machinery for doing what would become a very small matter. Why postpone for seven years what probably they should be bound to do in two or three years? This Commission might be amalgamated with some other Commission before seven years were over. He hoped the third reading of the measure would be allowed to be proceeded with.

Question put, and *agreed to*.

Main Question proposed, "That the Bill be now read the third time."

LORD RANDOLPH CHURCHILL, who had given Notice of his intention to move the following Amendment:—

"That the Land Law (Ireland) Bill as originally introduced and as amended in Committee, is the result of a revolutionary agitation, encourages the repudiation of contracts and liabilities, offends against individual liberty, is calculated to diminish the security of property, will not contribute to the peace or prosperity of Ireland, and tends to endanger the union between that Country and Great Britain;"

said, he was sorry the right hon. Gentleman the Member for Westminster (Mr. W. H. Smith) had not taken the course which was usual when a Motion did not meet with any amount of support—namely, to withdraw it, because in that case he (Lord Randolph Churchill) could have moved his Amendment. He could congratulate the House on having at last escaped from the discussion of the intricate and complicated details of the Land Bill, and on being in a position to take a comprehensive view of the measure before it went to "another place." Having watched the progress of the Bill through Committee with as much care and attention as was in his power, and having offered no remarks on the second reading, he would now ask the attention of the House while he communicated to them some of the results of his observations, and made a few valedictory comments on the measure. They had been told in all the Radical newspapers, and as far as he could make out by every Radical orator, that this Bill was the greatest measure which was ever submitted to Parliament, and that its contents and its career were subjects of legitimate pride and delight to the Liberal Party, to the Liberal Government, and, beyond all, to the Prime Minister. He did not think he was exactly in a position to give complete assent to that. He might with confidence lay it down that before any mea-

sure could be said to be a subject of legitimate pride to those officially connected with it, it must fulfil one of three conditions—it must be the original design of its author, represent the ratification of a great principle for which its author had long and constantly contended, or, in default of these two conditions, it must be the sure and certain means of great benefit to those who would be affected by it. He would just glance at the Bill from those three points of view. Was this Bill the original design of the Government? Was there anything in it from beginning to end of which the Government could be said to be the inventors and patentees? The Government would be doing very great injustice to certain parties in the House, and be acting in an unworthy manner, if they made such a claim. They now knew, from the indiscreet revelations of the Duke of Argyll, that when the present Government succeeded to Office the idea of an Irish Land Bill had never entered their heads. Either the force of circumstances or their own evil destiny compelled them, or as they thought compelled them, to deal with the Irish Land Question. Searching about for a programme, which they were unable to draw up themselves, they lighted upon and adopted the programme of the Irish Land League, and they determined to enable the Irish Land League to fulfil its promises and to justify its existence to the Irish people by conferring on them the benefit of the “three F’s.” This much was certain, that if there had been no Land League there would have been no Land Bill; and if the Liberal Government had not adopted the programme of the Land League, the Land League would not have allowed the Government to pass any Bill into law at all. The Irish people knew perfectly well to whom they might ascribe that Bill. They knew that its author was not the Prime Minister, the Member for Mid Lothian, but was the hon. Member for the City of Cork (Mr. Parnell). At every public meeting in Ireland resolutions were passed to that effect. At no meeting in Ireland worthy the name of a public meeting had any resolution been passed giving the Government the smallest credit for the Bill. He must, however, notice that one unfortunate individual whom the Chief Secretary for Ireland had let out

of prison did preside at a meeting in that country, and passed a vote of thanks to the Chief Secretary. That was the only public meeting held in Ireland at which the merits of the Government had been recognized. And when the hon. Member for Wexford (Mr. Healy) told the Prime Minister the other day that the Irish people owed him no gratitude for this measure—[Mr. HEALY: I did not say anything of the kind.]—when the hon. Member said that, he spoke the mature and intelligent conviction of the Irish people. He (Lord Randolph Churchill) could not help thinking that when the Prime Minister witnessed the reception of his Bill in Ireland, and the comments which were there made upon it, he would be heard sadly to say, *Hos ego versiculos feci, tulit altir honores*. He did not wish to dishearten the Government, nor to infuse too much melancholy into their noble minds. There was one measure which, no doubt, they might console themselves with claiming as their own—he alluded to their Coercion Bill. But while the Prime Minister and his Colleagues could never hope to have their names coupled in Ireland with that Land Bill, they would be eternally identified with the suspension of liberty and Constitutional rights. When the Bill was first brought in by the Prime Minister it embodied, in a more or less imperfect form, the doctrine of the “three F’s,” which was the programme of the Land League and its *sine quâ non*. The Representatives of the Land League in the House on that occasion, and on the second reading, expressed great dissatisfaction with the Bill on three chief points. They denounced the Emigration Clause, they blamed the Bill because it contained no provision with respect to existing leases, and they also found fault with it because it did not make any arrangement with regard to arrears of rent. What had happened? The Emigration Clause had been struck out. [“No!”] The hon. Member was severely accurate. It had not been struck out, but it had been reduced to an absolute nullity—a perfect farce; and it was impossible that emigration could take place worthy the name of emigration under that clause. On the other two points the Prime Minister had more than met the Irish view. He did not expect him to admit it; that would spoil the game; but he had no

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hesitation in saying that the Prime Minister had gone beyond their highest hopes, because, after that Bill became law, every lease in Ireland would be promptly reviewed by a Court of Justice in that country, and, if necessary, quashed. Further, all tenants in Ireland who at the present moment were enjoying fair and reasonable leases would, at the termination of those leases, though it might be 60 years hence, be placed in the same position as if they had never had a fair and reasonable lease at all. And with respect to arrears of rent, tenants up to a certain figure who had been wise enough to refuse to pay their rents were to have them liquidated by the taxpayers of Great Britain, and those who had been foolish enough to pay their rents were left to curse their stupidity and to vow that they would never be so caught again. He said, then, let him who deserved the laurel wear it. He felt it his duty to offer his congratulations to the hon. Member for the City of Cork on the magnificent results which he had achieved, although supported by only a small fraction of the House. He wished that the hon. Member would communicate to him the secret of his success, and he would further remind him of the views which the Prime Minister had sketched with respect to town property and absentee landlords. With that *vista* of splendid possibilities before him, he could congratulate the hon. Member for the City of Cork on the extended field of usefulness which remained for him as long as the Prime Minister continued in Office. All the merit which the Prime Minister and the Chief Secretary for Ireland could claim in the matter was that by their Disturbance Bill of last year, and the violent language which the latter had used against the House of Lords, they had given the signal which had invited the hon. Member for the City of Cork and Mr. Michael Davitt to commence their winter crusade. Could the Government, then, make out that that Bill affirmed or sanctioned the principles for which they had long contended? In the speeches which the Prime Minister delivered in 1870, he elaborately and painfully argued against and controverted every leading provision in the present Bill. To destroy the theory of the "three F's," to cut the ground from under the feet of its advo-

cates, was then the right hon. Gentleman's great object, which it must be admitted he attained as completely as any man ever attained any object in Parliament before. From the year 1870 to the year 1880 the Prime Minister and his leading Colleagues sustained the battle against the "three F's" and against the Bill of Mr. Butt, which embodied the "three F's;" and the noble Lord the Secretary of State for India and the Attorney General for Ireland rose to heights of Parliamentary eloquence and argument on that subject as high as it was possible for those two individuals to reach. They were invariably supported by the whole of their Colleagues, and by a united Liberal Party. Moreover, in all the great speeches made by the Prime Minister before the late Election, and which must be deemed to have exercised a controlling power over the issues of that Election, they found no shadow of a trace that the justice of the "three F's" had dawned on his mind. If that right hon. Gentleman and his Colleagues were to abandon the principles of Free Trade and raise the flag of Protection, they could not undergo a greater or more sudden and startling conversion than they had undergone in regard to the Land Question in Ireland. During the whole course of the recent protracted debate, neither the Prime Minister nor his Colleagues had attempted to disguise that conversion or to escape from the embarrassment of their former declarations. It was a melancholy fact, which must fill anyone who reflected on these matters with gloomy forebodings. Recollecting, as he did, the great political apostacies which had surprised and shocked even his contemporaries, he was tempted to ask in despair whether it was to be the inevitable lot of public men to be compelled at intervals, and at short intervals, to repudiate in a humiliating manner the creeds by which they had formerly sworn to abide. Would the Bill produce any benefit to Ireland commensurate in any way with the time and labour Parliament had devoted to it? No doubt, it was a wise maxim not to prophesy unless you knew, and he did not intend to depart from it. ["Oh!"] He hoped the hon. Member for Stockton (Mr. Dodds), would not interrupt him, although he knew it would be a great demand to make on that hon. Member.

The Bill was the result of agitation. That was not of itself against the Bill; but what an agitation it had been! It had been an agitation to transfer property by force from one class to another; to bring the landlords on their knees, by fair means or by foul, had long been the undisguised object of the Land League. The agitation had been furthered by speeches of a kind rarely made before, even in the history of Ireland, and that agitation had reduced the Government of Ireland to impotence, an impotence in which they were still grovelling. It had been accompanied by incidents of a kind permanently to disgrace our boasted civilization. It had been assisted, whether intentionally or not he would not say, by crimes of a frightful nature against men, women, dumb animals, and property. It had enabled terrorism, such as Ireland had been mercifully preserved from for generations, to stalk unhindered through the land. It had been acknowledged by more than one Irish speaker that it had reduced society in Ireland to chaos, that it had put an end to mutual trust between individuals, and that it had stifled for a time the feelings of kindness, charity, and inter-dependence which ought to exist between man and man in a well-governed State. That was a terrible parent for a message of peace; and, looking at the matter in the most superficial way, he doubted whether anyone would place much confidence in the child of such a father. What, after all, was the principle established by this Bill? It was not the adjustment of rents, nor the perpetuity of tenure, but it was simply that agitation, be it audacious and unscrupulous enough, constant, and pertinacious, would suffice for the destruction of almost any of the institutions of this country. Parliament, acting on the advice of the Government, and following their lead, had invited the Irish tenant farmers to endeavour to set aside contracts which, for all we knew, were fair and reasonable. Parliament had consented to liquidate the liabilities of these men, some of whom we knew were perfectly able to discharge them, and who had merely taken advantage of the prevailing disorder to fly in the face of honesty. They had deprived the few for the benefit of the many of privileges and property which could be easily ap-

preciated, and they had, at the same time, denied the claim of the smaller to compensation. They were withdrawing and alienating from Ireland those who were devoted to our rule, and who, moreover, were the only channels through which a higher civilization, a more advanced prosperity, and a nobler morality could descend upon the masses of the Irish nation. A profound thinker, for whom the Prime Minister had great respect, Sir George O. Lewis, many years ago wrote a passage which confirmed this view. He said that in Ireland improvement and civilization must descend from above; they would not rise spontaneously from the inward workings of the community. And what were the objects of this Bill? They were two—one of a temporary, and the other of a permanent character. To buy out the Irish landlord was the great object of the Bill. They had been told on authority that the first part of the Bill, complicated as it was, was only a *modus vivendi*, to last until the desirable result of buying him out should be accomplished. The other day the Prime Minister said he hoped in six years' time to have bought out £10,000,000 worth of Irish landlords. [Mr. GLADSTONE: Nothing of the sort.] Notwithstanding that contradiction, he adhered to the statement; but he was of opinion that it was a very low and modest estimate to make. Unless the circumstances of Ireland were greatly altered, and if the Land League were permitted to control the destinies of Ireland, it would not be £10,000,000, but it would be £40,000,000 or £50,000,000 worth of landlords who would have to be bought out. Surely, no State ever before took upon itself such a curious task. Who were the Irish landlords? They had lately been designated as the English garrison. He quite admitted that the times were not ripe for English garrisons. The Irish landlords were those who, for many generations, in spite of the greatest trials, had manfully upheld the Union in the midst of a population for the most part hostile to it. For the State to spend its substance in buying out its friends in order to deliver over Ireland into the grasp of its enemies was surely an act of folly of which it might have been thought not even a Radical Government could have been capable. If we recognized the uses of a land-owning class in a country,

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should we take steps to preserve them, or kill them by inches and cruelly drive them out? The Prime Minister admitted that in 1870 he made an enormous confiscation of the property of Irish landlords; but in 1881 he had gone further and deprived the Irish landlords of every right and every privilege appertaining to the ownership of land, except the right of collecting rent. Nothing else was left to the landlord if this Bill passed. And what security could be given that the liability would be discharged by Irish tenants? He assumed that the Commission would be independent of the Executive Government, and that it would be a Court of Justice. Suppose it found the great majority of rents were fair rents in the sense of the Bill, and imposed these rents for a term of years on the tenants, what guarantee could be offered that the decisions of the Court would be obeyed? If they were not obeyed, would they be enforced? What sign was there of returning peace and order in Ireland now that the Bill was all but law? Had not Crown counsel recently demanded the adjournment of Assizes and the postponement of trial on the ground that the trial was an abortive mockery? He unhesitatingly said that there was no precedence for such an Act in the whole history of the Irish Government. Did they dream that the addition of the Royal Assent to the sanction already given by Parliament to the measure would bestow upon it a Divine energy, which at present it did not possess? He further asked, had the landlords of Ireland any guarantee that the Legislature had now taken from them all that it meant to take, and that what remained to them of their property would not in another year or so be sacrificed? Would the Prime Minister be prepared to enter into a solemn pledge in the face of the House, and with the concurrence of the Parliament of England—a pledge of such a solemn nature that it must bind future Parliaments—that at any rate what was left to the Irish landlords should be absolutely secured to them and impregably fortified? In such a state of things as now existed he did not see how any capital could be imported into Ireland, and in the absence of capital the resources of the country must languish and wither away. How could they have any guarantee that the

law of the land would be respected? Let them not talk about the majesty of the law, for since the present Government came into power the majesty of the law had been as defunct as were the mummies of Ramesis and Pharaoh. He feared very much the effect of the Bill on the quick-witted Irish people, and believed that it would be to the Union what the wooden horse was to the city of Troy. It contained within it all the elements of destruction to States. In it and by it, plunder, rapacity, dishonesty, agitation, mob-law, all received the final and solemn sanction of Parliament. Originally designed by the Land League, their mortal foe, it had been joyfully captured by the Government and incorporated in the machinery of State. And they were told that if the door of the law was not wide enough to admit the measure, the bulwarks of the Constitution would be levelled and every obstacle swept away. Furthermore, if anything was required to make the analogy complete, all hon. Members who from time to time took part in those prolonged debates and proclaimed their suspicion of the monster had been seized, and enfolded, and strangled, like so many Laocoons, in the multitudinous folds of the Prime Minister's endless eloquence, and had been denounced with increasing vehemence in speech after speech, as men, since the days of the Laocoon, had never been denounced before. Well, this great Bill was not yet in the citadel. It had still a course to travel before it received the Royal Assent; and if in its course it happened to be wrecked, he doubted whether it would have many mourners in this country. But if in the following conflict, which he had no doubt the Prime Minister would immediately precipitate, any institutions succumbed, holding, as he sincerely did, the views of the measure which he held, he still said that institutions, however ancient and respected, which in the hour of trial were not capable of protecting the country from imminent peril were, perhaps, hardly institutions in which they ought to repose very great confidence. He greatly regretted that he was unable to submit his Amendment to the House. He believed the principle of that Amendment was recognized by the oracle of the Tory Party; but the political wisdom which was sup-

posed popularly to attach to the prefix of "right hon." decided that the Amendment was inopportune. Well, it was not his business to speculate upon what was opportune or inopportune. It was enough for him that the assertions made in the Amendment were incontrovertible. The Bill, it said, was the result of agitation—a revolutionary agitation. It was revolutionary, because it had been enthusiastically propounded that the Bill which it precipitated was the first rung in the ladder leading to the Olympus of Irish Independence. The Amendment further stated that the Bill encouraged the repudiation of contract and liabilities, offended against individual liberty, and was calculated to diminish the security of property. Whether it would conduce to the peace or prosperity of Ireland, or tend to endanger the Union between that country and Great Britain, he was quite content to leave to time to show. The Prime Minister, in introducing the Bill, said that it was inspired by the Divine light of justice. Well, the opposition to the Bill, of which he did not think the Prime Minister would make any complaint either as having been unfair or unduly obstinate, had been conducted by a brighter light than that of justice—namely, the light of freedom; that freedom which the Coercion Bills and the Land Bill of the Liberal Party had altogether blotted out of Irish life.

MR. GEORGE RUSSELL said, there was a Latin proverb which urged that it was not for the eagle to catch flies. He trusted that, in the spirit of the proverb, the Head of Her Majesty's Government would not condescend to reply to the speech which had just been delivered by the noble Lord, but would leave to men of humbler position and of less ability than his own the task of making such criticisms upon it as they thought the occasion required. He confessed that, coming rather late into the House, he was, and he remained under the impression, that the noble Lord was about to move his Amendment. It appeared, however, that that was not so, and he could only say that the speech was strongly and strikingly appropriate to the Amendment. It was, in fact, a speech conceived with a view of bringing that Amendment before the House had not the wisdom which, as the noble Lord said, was supposed to attach to the

prefix "right hon." prevented him asking the judgment of the House upon it. They should, therefore, take the speech as a speech, and meet it as best they could; and he was persuaded he was only expressing the general sense of the House on both sides and in all quarters—except, perhaps, in that exalted spot where the hon. and learned Member for Bridport (Mr. Warton) kept watch and ward over the Constitution—when he said that there was one common feeling to which he only gave very feeble expression—namely, one of very great regret that this great legislative performance of the Session should be allowed, at its close, to degenerate into a farce—he used the word advisedly; for, giving the noble Lord credit, as they all did, for abundant common sense, they could not think that in delivering that speech he was actuated by serious motives. It was out of all belief that his speech could commend itself to the moral feelings or the intellectual palate of the House. He doubted whether the speech commended itself to those hon. Gentlemen with whom the noble Lord habitually acted. Even the Members for Ireland with whom the noble Lord indulged in many passages of harmless coquetry—even they seemed tired of his humour. With regard to the effect which the noble Lord expected his speech to produce on the right hon. Gentleman who led the Opposition, it was quite superfluous to speculate; for they all knew that in the noble Lord's relations with the titular heads of his Party was reproduced, in a political form, the history of Eli and his sons. Injudicious indulgence in the days of early youth had produced in the noble Lord in later life an impatience of all control, and a determination to take the bit between the teeth, which might involve the right hon. Gentleman who stood politically in the parental relation to the noble Lord in consequences hardly less disastrous than those which devolved upon the venerable hero of the sacred story. He thought, therefore, that in thus figuring before the House of Commons at this stage of the Bill the noble Lord must have been gratifying merely his own taste for genteel comedy and light farce. Even his political enemies on this side of the House would abundantly allow that the noble Lord was a first-rate actor of third-rate parts. The noble Lord, however,

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alas! played habitually to the pit and gallery; he meant to say that in his performances throughout this Session they had never detected an appeal to the higher political sense of the House. What they had seen had led to the belief that the noble Lord was, perhaps, after all, wise in his generation, and was preparing himself for an emergency which might come. He was possibly looking to a time—looming in the distance—when, with a re-distribution of seats, the very few sheep of Woodstock would be left without a shepherd. It was against such a dismal day of retribution that the noble Lord was preparing himself, and making friends of the Mammon of unrighteousness in some larger and more turbulent constituency; so that when his friends of Woodstock, in a Parliamentary sense, failed, he might be received, if not into everlasting, at all events, into more enduring habitations. The effort of the noble Lord against a Bill carried through with such unexampled talent and perseverance, which had received the overwhelming assent of immense majorities of the House, was ludicrous, and he had almost said impertinent. It gained neither in decency nor in acceptability when it emanated from the Leader of a Party which in its corporate capacity was appropriately sketched in one of those inspired sentences of the late Lord Beaconsfield, in one of his earlier novels, when he spoke of “a contemptible clique which dined together and called itself a political party.”

COLONEL DAWNAY said, he believed the interests of the tenants would be placed in a more precarious position than before by the action of this Bill. It was the thin end of a wedge which was intended to be driven into the heart of England and Scotland. He was in favour of reforming the Irish landlords if it could be proved that they injured Ireland; but in reference to this Bill he thought the landlords had as much justice on their side as the agitators. As to conciliating Ireland, he believed the measure would be a total failure. The loyal Irish needed no conciliation, while the disloyal would only be conciliated by the total separation of Ireland from England.

MR. GLADSTONE (after a pause) said: I waited until you rose, Sir, to put the Question, in order that I might be

certain, negatively at least, that there was no intention on the part of the Leaders of the opposite Party to enter into this debate. There is nothing that will fall from me, so far as I am aware, that will give them occasion to change that intention. I take this opportunity of saying that, so far as regards themselves, the bulk of the Party who act with them, although, of course, it is matter of serious lamentation to us that a large body of Members of the House of Commons, and many distinguished Members, decline to recognize the necessity of the provisions that we have proposed, yet, as to the mode of their opposition, I am bound to say of them, and of the bulk of their followers, that I do not think we have any reason to complain. There are one or two more or less eccentric and outlying individuals for whose actions they cannot be responsible, and it is not necessary for me to enter into criticisms upon conduct altogether exceptional. I have another duty to perform, and that is to return my thanks to the supporters of this measure. I am thankful to reflect that when I speak of supporters I am able to include a limited though very important portion of the Party opposite. The Gentlemen representing Ireland as Conservative Members have, in most instances, felt it their duty to give a steady support to all the leading provisions of this Bill. I am informed that out of 103 Members representing Ireland in the division on the second reading of the Bill scarcely more than seven Members took part in the division against the Bill. In the division against the 1st clause, which in its permanent operation may be found to be the most important in the Bill, four Irish Members voted only against the clause, and two of these were Gentlemen who undoubtedly voted against it because they thought that it did not confer new liberty, but limited liberty already existing; so that of the 103 Members sent by Ireland to represent her interests in Parliament only two felt it to be their duty to vote against this most important and fundamental clause. On the 7th clause—the other great pillar, if I may so speak of the Bill, and the one which in the present exigency; has excited the greatest interest—not more than six Irish Members recorded their judgment against it. I think that every dispassionate man, re-

viewing the course of these discussions, whatever may be his own personal leanings and convictions, must feel that, if we be indeed a representative Assembly, this division of Irish opinion, which scarcely amounts to a division—which leaves us at liberty almost to declare it a moral unanimity of opinion—cannot, in view of the interests of the country, be considered less than a most significant and gratifying fact. Passing from that, I desire to return my respectful acknowledgments to those other than Irish Members on the opposite side of the House to whom we owe much of the steady, patient labour, and generous and encouraging support that have enabled us to bring this Bill to its third reading. I desire to make these acknowledgments, first of all, again to the numerous and well-instructed Representatives from Ireland who have so considerably made their own proposals, and so loyally and so generously helped ours; and secondly, to that mass of Members who, reckoned by the hundred, and well entitled by their knowledge and intelligence to enter into the discussions on this Bill, have yet refrained upon almost every occasion from entering into those discussions, lest unawares they should multiply the physical obstacles to its passing, and thereby prevent the attainment of the object in view. My hon. Friend (Mr. George Russell), who spoke with much ability from this side of the House, advised that I should not offer any reply to the speech of the noble Lord the Member for Woodstock (Lord Randolph Churchill). I had no intention of offering to that speech any detailed reply, nor of entering into any detailed discussion of the Amendment of which the noble Lord has given Notice. The terms of that Amendment, in fact, enable me to deal with it, from my point of view, in a very convenient and summary manner. It contains six propositions, some of them negative and some of them affirmative, and my humble method of dealing with those propositions is to take all the negative propositions and to convert them into affirmative propositions, and all the affirmative propositions and convert them into negative propositions. By this most expeditious process I find that the noble Lord's Amendment, so modified, becomes an adequate and satisfactory exposition of my own views on this sub-

ject. The speech, however, of the noble Lord does not admit of being dealt with quite so briefly. That speech is a presentative speech—it is eminently presentative of the opinions and ideas of the noble Lord. It abounded in clamatory invective, of a large port of which I had the honour and the distinction of being the subject. There in creation small animals whose office is to bite, and who are able to produce a sense of irritation on the part of a person bitten. There are also of small animals whose office it is to bite but whose victim is left unconscious that he has been actually bitten. I may say that, so far as comparisons can be made, the effect of the speech of the noble Lord reminds me of the second rather than the first class of these small animals. Now, one counsel I vent to give to the noble Lord, and that is to keep himself to rhetoric, of which he at his time of life, no inconsiderable master; but, above all things, to cease dealing with facts, for I listened carefully to everything in his speech that purported to be a statement of fact, and I believe I am literally accurate when I say that there was not one of them which would be sustained in their accuracy—from the first which alleged that the “three F’s” were the plan of the scheme of the Irish Land League, those later ones, of which two there were concerning myself, the first of which I took exception to when it was uttered, and the second of which I said that I had a few nights ago confessed that the Act of 1870 perpetrated an enormous act of confiscation; and, therefore, Sir, I beg humbly to decline to be bound by any one of the statements of facts made in the speech of the noble Lord. I would again counsel the noble Lord to keep to rhetoric. If he does that I have no doubt he will do extremely well, for rhetoric and denunciation are arts in which it is difficult to excel, provided you rely yourself from the fetters and hindrances which are imposed upon some men in speech by a slavish adherence on the part to accuracy of fact. I will speak of the originality of this measure nor will I speak of my own consistency in regard to which I have said on former occasions what appeared to be necessary. I should be doing what would be excusable at this stage of the Bill with

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I to waste the time of the House by making a long speech. There is, however, one point to which I should wish to bring the mind of the House for a moment, and I will do so in as few sentences as possible. It is alleged in the Amendment of the noble Lord that the measure has been the product of revolutionary agitation. I have never disowned from this House that it is, in my opinion, a most grave and serious matter to bring into a Court of Justice for alteration and re-consideration private contracts entered into by private individuals, and I am prepared fully to admit that the institution of a Court for such an object is an exceptional and an extreme proceeding. I, however, entirely deny that the other main provisions of this Bill are open to the same objection. With regard to the provisions for the extension of the tenant right and for the prevention of the too frequent augmentation of rent, there is nothing extreme or exceptional in the Bill. I presume, therefore, that it is to the institution of the Court for the purpose of fixing the rent that the noble Lord refers when he says that the provisions of the measure are the result of revolutionary agitation. But how was it that the necessity for the institution of such a Court was made evident? It was made evident, if anywhere, by the Report of the Richmond Commission, which was concurred in not only by the Liberal minority, but by the Conservative majority, who, in a special sense, represented the landed interest in Ireland, and who felt it to be their duty to recommend that there should be legislative interference to check the undue augmentation of rent. That recommendation is the foundation of the provision that we have introduced into this Bill. Does the noble Lord think, when the representatives of the landed interest found it necessary to go to such a length in the recommendations they made, that even if it had been our disposition to have stopped short of that recommendation, it would have been possible for us to do so? I am quite sure his intelligence will make him perceive that the very moment that recommendation went forth from such a source it became absolutely certain—which I do not think Gentlemen opposite will deny—that any measure which was to have a chance of dealing with the question of land in Ireland must contain, within

whatever limitations, provisions giving discretion to the Court with respect to contracts. That recommendation we have dealt with, I believe, in the spirit of moderation, and we have certainly attached limitations to the provisions in which we seek to give effect to it. In the recommendation itself there were no words which conveyed an idea that it was intended that the application of that principle should be other than universal and perpetual. The Bill, as it stands, however, provides that the application of that principle need not be universal or perpetual. No holding in Ireland will come within the jurisdiction of the Court except by the act of either the landlord or the tenant. We have provided that it need not be perpetual, because there are various contingencies contemplated by the Bill under which the tenants in Ireland now invested with power to go into Court may come to be divested of that power; and therefore it remains that Parliament, in its consideration of this most important recommendation, has not accepted it in a spirit of reckless vehemence, but rather, while leaving it in all the force which seems necessary to meet the emergency of the case, has made provision to keep within the limits of that necessity the action of a principle which we deem and admit to be exceptional. Then, again, there was the difficult subject of fair rent which we had to deal with. I think that it does some honour to the House of Commons—and, certainly, the compliment I feel bound to pay the House in this respect falls with full force upon hon. Members opposite—that it should have entered largely into a discussion of this subject, and should have been able finally to arrive at a conclusion in reference to it without having exhibited sharp and painful differences of opinion with reference to it. In using the term “fair rent,” I believe that we have secured a rent that will really be fair to all parties. I believe that we have acted wisely in having disembarrassed ourselves of the difficulty of attempting to guide the Court in arriving at a conclusion as to what a fair rent should be, and in leaving the whole matter to the discretion of the Court. We have been able to take that course safely for two reasons. The first is this, that in Ireland the forming of an estimation of fair rent is already a matter known to the usage

of the country and its Courts. In Ulster and out of Ulster, since the Land Act, there have been various forms of proceedings before the Courts, which have indirectly, but substantially and effectually, raised the question of fair rent. That being so, and it having been found practicable by the Courts to handle that difficult question without dissatisfaction or palpable injustice to either party, I believe we have done wisely to leave the matter in their hands; because any efforts of ours to guide them, imperfect as they must have been, would only have tended, in all likelihood, to induce confusion rather than to facilitate the working of the Bill. But there was another reason why it was well, as I think, that we should not attempt to define scrupulously a fair rent, and it was this—that, happily, in Ireland a fair rent in many cases—I do not now enter into the question whether in the majority of cases or not—but in many, in very many cases, a fair rent is a thing perfectly well known and understood by practical experience. There is no district in Ireland in which fair rents are not known, in which the thing meant by a fair rent is not practically and popularly understood. That being so, we have deemed it better rather to rely upon the traditions of the Court, and upon the knowledge current and recognized in the country, than to attempt difficult, not to say impossible, definitions. I am very glad, if I understand aright, so far as regards any large body of Members of this House, this Bill is to be passed uncontested into the other House of Parliament. It is quite needless for me—I think it would be very bad taste on my part—to attempt to pronounce on the Bill any eulogy whatever. On the other hand, I must be pardoned for saying that against such attacks as have been made upon it I feel it needs no defence.

MR. GIBSON: It is not my intention, Sir, to enter into any long discussion or minute examination of the details of this measure or to review its history. Its scope and its character, its progress, and the various debates that have taken place upon it have been amply placed before the House and the country. The measure has been described by the Prime Minister himself on more than one occasion as one exceptional in its character, and it is absolutely impossible that it can be measured or judged of by any

ordinary standard whatever. I venture to think that never was submitted to this House or to any Parliament a measure of so absolutely novel and startling a character. My noble Friend the Member for Woodstock (Lord Randolph Churchill), in a speech somewhat unfairly commented upon—in a speech certainly of marked ability—stated from his own point of view what he conceived to be the circumstances of the introduction of the Bill. I say, without fear of contradiction, that in no civilized country, not in France, Germany, Belgium, or the United States of America, is there any Land Law having any similitude to that which will be established by this Bill; and anyone who looks at the provisions of this Bill and the exposition that has been given of its principles must recognize its sweeping character, for it includes within its purview all tenants, good, bad, and indifferent, and deals out the same standard of justice to all landlords, improving or the reverse, all landlords, whether they have charged little or whether they have charged much. The right hon. Gentleman says that this Bill leaves this House carried by a moral unanimity—[Mr. GLADSTONE made an inaudible remark across the Table.] I have not the slightest desire in any particular to misrepresent anything that fell from the Prime Minister; but I think it not unreasonable, when notice is taken of the character of the divisions on the Bill, to say that, whether or not there will be a division upon the third reading, many Members thought proper to record a protest against principles in this Bill, and that they have done so on many occasions. Many Members, I have no doubt, voted for the Bill on the second reading, considering that in the present state of Ireland some legislation on the Land Question should take place. But I venture to think that not only on these Benches, but among the Members whom the right hon. Gentleman so ably leads, there are some who took part in the divisions on the second reading of the Bill and on clauses that were challenged who felt serious misgivings as to the principles involved. The present position of the Bill is not, in some particulars, exactly the same as when examined at the earlier stages; but I am bound to say, when we come to consider the changes, they can be regarded from many different points of

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view. I readily admit that many things that were so indefensible that they could not be argued, and were not argued—that many things that were so unintelligible that they could not be construed—have fallen out of the Bill, and that, as a matter of machinery and administration, the Government found it necessary, to insure any working of the Bill at all, to consent to alterations. But many principles and points of a mischievous character still remain unaltered and unamended in the Bill, and I regret to say that the catalogue of serious and mischievous points and principles was enlarged during the progress of the Bill, and notably last night. I am bound to say I think the Prime Minister himself had but a scant amount of sympathy for this most recent Amendment, because I remember that he left to the Chief Secretary for Ireland the difficulties of the task of explaining it and did not commit himself to it. The right hon. Gentleman at the head of the Government has been the Minister who has had charge of the Bill. He has had the advantage in that overwhelming task, in addition to his own genius, his own enlightened energy, his own infinite resources, and that versatility which enables him in debate to run “From grave to gay and from lively to severe,” of having been encouraged by a strong and obedient majority ready to cheer and support him always—just as much when he is wrong as when he is right. The right hon. Gentleman, in his speech just delivered, has selected one or two points for which he appears specially desirous to obtain the approval of the House and the country. I will pass from his references to free sale without making any elaborate examination of it, but I will make one criticism upon it. Now, at the end of two months, it remains as undefined as it was on the introduction of the Bill what it is that the tenant is permitted to sell. No one who examines the Bill can arrive at the conclusion that a tenant may not be permitted under the operation of the Bill to sell a very substantial part of his landlord's property. In the very clause of free sale some changes which had taken place have been all against the landlord's interest. We were told throughout by the Prime Minister and his Colleagues that the Bill would give a right of pre-emption to the landlords. I am disposed

to think the Bill in its present shape leaves the right of pre-emption absolutely worthless. The way in which the Bill originally proposed that a fair rent should be measured dealt with details and particulars in such a way that it was speedily pointed out that it would enable the landlord's rent to be eaten into and possibly destroyed. The Government sought to meet these objections by leaving the whole question absolutely in the control of the Court. The Government have not, however, adhered to their second proposal in its integrity, and have assented to changes which are open to much criticism. An Amendment was introduced at the instance of the hon. and learned Member for Dundalk (Mr. Charles Russell), which re-introduced, not in the same form as originally appeared in the Bill, but in more general terms, the same possibly misleading principle, and directed the Court, in measuring the fair rent, to have regard to the tenant's interest, which might be inflamed by prices forced up by giving the *pretium affectionis*, or by “land-hunger,” of which we have heard so much. If the Court are told, without qualification, that they are to have regard to the tenant's interest, it is competent for the Court, under those words, to arrive at every one of those vicious consequences which had been apprehended from the clause as it previously stood. The way in which the matter was sought to be dealt with by my right hon. Friend the Leader of the Opposition was entirely logical. My right hon. Friend took up, as the Prime Minister frankly admitted, quite a reasonable line. As late as the year 1878 a Bill was introduced by Mr. Butt—a master of this question—Mr. M'Carthy Downing, who was as well acquainted with it as any Member in this House, and the Member for the County of Cork (Mr. Shaw). That Bill, in its 44th clause, laid down this proposition, which I commend to the attention of the House—and remember that this was the proposition of the Irish tenants, repeated from year to year, and formulated by their most able advocates in Parliament, as to the mode of fixing rents—

“In fixing the rent to be specified in the declaration of tenancy, the Chairman shall proceed in manner following—that is to say, the rent to be fixed shall be that which a solvent and responsible tenant could afford to pay, fairly and

without collusion, for the premises, after deducting from such rent the addition to the letting value of the premises by any improvements made by the tenant or his predecessors in title in respect of which the tenant on quitting his farm would be entitled to compensation under the provisions of the Land Act."

Well, that proposal was presented for consideration to the House by an Amendment which stood on the Paper for weeks in the name of my right hon. Friend the Leader of the Opposition. The Government, however, thought it right in their wisdom to know more about the question than those who had studied it for years. And I invite the attention of the House to the fact that all that was asked was the adoption of that proposition, strengthened and developed by words taken from the Government themselves, and possibly by the addition of others which would have made it more definite. Nevertheless, the Government thought proper to leave the matter at large to the Court, with the addition of the Amendment of the hon. and learned Member for Dundalk, and, also adopting an Amendment which was brought forward a few days ago, they put into the Bill a reference to improvements, not as framed by Mr. Butt, nor as assented to by the hon. Member for the County of Cork, nor as formulated by the Leader of the Opposition, but in a crude and undigested state, which obviously required revision and alteration. This Fair Rent Clause made practically no distinction between good and bad landlords, with this one exception—that a feeble, petty effort was made by the Prime Minister, by taking note of English-managed estates, to save the Bill from the charge of making no discrimination. That little proviso never was of very much practical consequence. It was rendered almost worthless because of the Amendment which had been accepted from the hon. Member for the City of Cork (Mr. Parnell). Then, the admission of the landlord to the Court was at first denied, but had afterwards to be conceded; but it was not conceded frankly and fully. The tenant can go into the Court and say, "Measure me a fair rent." But the landlord must formulate his proposition and demand an increase. Common justice required that both parties should be put on the same footing. Let each party be equally able to appeal to the Court for a fair rent; or if the landlord is required to formulate his

demand, the tenant also surely ought to be called upon to state clearly and definitely what he had to object to. The Prime Minister, a few days ago, in Committee, said—

"They were endeavouring by an almost supreme effort to bring about a great and rapid change in the social condition of Ireland."

I do not deny that the effort was a supreme one. It was so when the Bill was introduced, and it became more so during its progress. The measure was not brought in, I feel sure, without very anxious consideration. We know that the Government had been considering it for months, and that the Cabinet held meeting after meeting on the subject. As to leases, they deliberately arrived at the conclusion that they could not ask the House of Commons, no matter what might be their majority, to interfere with existing leases; and anyone who reads the original clause saving existing leases will see that a more intelligible series of propositions was never laid down. For no purpose or consideration were the Government to have tampered with the obligations which tenants had contracted by existing leases. That having been the position taken up by the Government in introducing the Bill, when did the change take place? As lately as June 29, after the second reading of the Bill, when the measure had been for weeks and months, I might almost say, in Committee, the Prime Minister, meeting an Amendment from the hon. Member for Wicklow (Mr. Corbet), said—

"If the hon. Member proposes to say that every provision of these leases shall be brought into Court, that is a proposition to which we are not prepared to assent."—[3 *Hansard*, cclxii. 1600.]

The very day after that, I believe, we had an absolute—I will not say change of front, because the Prime Minister has requested that that word may not be used—but a very rapid development of opinion took place, and my right hon. and learned Friend the Attorney General for Ireland, who has had some disagreeable things given him to do which must have tried his legal mind very much, had the task imposed on him of putting on the Paper Amendments with which we are all familiar. The first of those Amendments proposed in regard to every lease in Ireland, no matter when or for what time it was made, or what

was the rent, or what its conditions as to improvements, or as to the valuation of the farm, that the most important covenant for the landlord is to be broken and that the tenant may hold on for all time if he likes. Under what circumstances was that Amendment moved? My right hon. and learned Friend moved it in a House not of half its ordinary strength, and he occupied just two minutes in moving it. He read it out as if it were a mere verbal Amendment that required no explanation. The Amendment spoke for itself; but it was impossible to explain or defend it. The Prime Minister is almost always able to say he is adhering verbally to everything that he has said. I have much pleasure in reading his speeches, and I find that it is the hardest thing in the world to take one of his sentences which appears to convey to the House the clearest meaning in regard to which he is not able readily to say he was only referring to some particular thing mentioned in discussion, and, no matter what the language may have been, there is some little word that enables him to point out that he was not correctly understood. On the 29th of June the Prime Minister said that if the object of the hon. Member was to bring the covenants of existing leases under the cognizance of the Court, that would be enlarging the Bill to an extent to which the Government were not prepared to assent. Accordingly, the Prime Minister, severely accurate, to quote the expression of my noble Friend (Lord Randolph Churchill), does not submit the covenants of leases to the cognizance of the Court, but he saves the Court the trouble, and he himself in the Bill breaks the most important covenant in every lease. The next Amendment was one that conferred on the Court the power of breaking every lease made since 1870. The Irish Land Act of 1870, in clause after clause, indicated to the landlord and to the tenant that they were encouraged and invited to enter into contracts by lease; and to prevent all questions or doubt about the matter the Prime Minister, speaking on the second reading of the Land Bill of 1870, used these emphatic words—

“The Bill will proceed on the principle . . . that from the moment the measure is passed every Irishman, small and great, must be absolutely responsible for every contract into which

he enters. . . . We ought to embody nothing in it that can encourage any man to tamper with good faith or to disparage or undervalue in any shape security and solidity of contract.”
—[*3 Hansard*, cxcix. 380.]

It would be impossible for any man to use clearer and stronger words. Is the conduct of the Government in reference to leases defensible? Can any man say it is in accordance with good faith? If solemn and serious contracts, entered into as leases have been, can be broken in the summary way these leases may be, can any contract that can be made or suggested for any purpose be regarded as safe? As to the “three F’s,” the Prime Minister has no objection to be responsible for fair rents and free sale; but he will let no man say fixity of tenure is involved in the Bill. Why? Because in 1870, in speech after speech, he demonstrated that if it were granted in any shape it would bring with it the right of the landlord to compensation. Accordingly, having committed himself to the principle that no matter what happens to the Irish landlord, he shall get no compensation, we have fixity of tenure in this Bill, real, substantial, but denied and very slightly disguised. In the West of Ireland there are a vast number of small tenancies, many of them under £4. What is the position of the landlord there? Under the existing laws of Ireland, the landlord has to pay all taxes and local rates for such small tenancies; and under this Bill he will have to continue paying with great certainty as to the necessity of paying, but with great uncertainty as to whether he will receive the means to do so. If there was one thing in the Bill for the benefit of this poor population, it was the Emigration Clause, which was kept before the House for three nights, and which elicited from the Prime Minister a powerful and eloquent denunciation of the delay; but on the same night that he delivered it, and as a tribute to the delay, he cut the clause down to something so shadowy and frail that, except for the principle involved, it is not worth having. These poor tenants in the over-populated districts of the West, if you freed them this moment from all rent, could not save themselves from periodic famine without relief and substantial assistance. In the face of all these changes—fair rent, free sale, and fixity of tenure—with all the other

advantages in the Bill, why the Government deemed it necessary to give an increased scale of compensation for disturbance puzzles me; it is illogical, unneeded, and out of place. It will puzzle anyone to say why it was introduced except as a further anomaly in an exceptional Bill. With all these stupendous and unprecedented changes, where is there about this Bill the element of durability, of certainty, of anything verging on a settlement? Everyone admits there is nothing final in politics; but when Parliament is asked to make a great change by a great measure they have a right to expect that great results will be accomplished, and that the measure will bear fruit for a considerable time. The Prime Minister himself, in the way he has dealt with many topics, has from time to time suggested the possibility of this being anything but a permanent settlement. Whenever it was intimated by the wily, quick-witted, sagacious Members from Ireland that a certain thing would lead to a discussion which would occupy a considerable time, there was a consultation of three wise-heads on the Treasury Bench, and shortly afterwards the wish of the Irish Members was sometimes conceded, with verbal changes, and sometimes postponed until a more convenient season. In this way have been left as legacies to the future the question of absenteeism and of town park lands. Instead of saying—"We are dealing with questions of sufficient magnitude by this Bill, and we will not pledge ourselves now as to how we will deal with other questions, or whether we will deal with them at all," as the Prime Minister was fairly entitled to do, he has said that the views of the Government were not matured, or that the matter may well come up for consideration at a future time. In one point the Prime Minister has almost taken care that this shall not be regarded as a final and durable measure. We are not responsible for the drafting of the Bill or for its shortcomings; the whole responsibility of its passage, its interference with principles, its results, rests absolutely upon the Government. We pointed out to the Government a great flaw in their new drafting which did not exist in the original drafting—that at the end of seven years this Bill would require a further Bill. But because the hon. Member

Mr. Gibson

for Louth (Mr. Callan) said yesterday that if the Bill were re-committed to deal with this point proposals would be made for the re-committal of several clauses, the Prime Minister re-considered his position, and gave ingenious reasons for leaving the matter so that there must be a Bill dealing with this question at the end of seven years. The Government, having had an opportunity to make this Bill a final one, deliberately elect to leave it open so as to render legislation necessary at the end of seven years. Is this Bill a message of peace to Ireland? Has it been accepted as such? It will concede much that was asked for by the Land League, and more than the most sanguine member ever expected. At the meeting of the Land League last Monday, a meeting at which they acknowledged a munificent contribution of thousands from America, and of £2 or £3 from Ireland, the hon. Member for Sligo (Mr. Sexton) said—

"The Land Bill might be the business of the Government, but it was not the business of the Land League as an organization to favour any proposal for alleviating the horrors arising from landlordism, thereby making it more tolerable and giving it a longer lease of life. They did not seek to change landlordism into some tolerable shape; they sought for its extermination."

And that in the face of the stupendous efforts of the Prime Minister to pass this exceptional Bill. That is the way it is received by the Land Leaguers in Ireland. Lately a new proposition has been put forward, in the form of a construction of the Bill which I am happy to say is a false construction, and that is that when this Bill is passed no rents need be paid until they have been fixed and sanctioned by the Court. Bad as the Bill is, it leaves the old rent payable and the landlord in possession of his right to recover it until the gale day next following the fixing of a judicial rent. I admit that the wretched Amendment for the suspension of writs of *fi faças*, which was passed yesterday, may possibly mislead some people to a confused understanding of the matter. It was passed in a House of less than half its strength, without any Notice whatever, being brought up in manuscript by the hon. Member for the City of Cork (Mr. Parnell). The Land League, I believe, have a proposition for the extermination of landlords; the Government are more moderate—they

seemed to favour an Amendment which would only have the effect of starving them. If the Amendment had been considered, it would have been seen that it had the practical effect of damning the Bill, for it announces to every tenant who owes money that if he goes into Court he can tie up the debt. Never before was such an invitation given to enter upon litigation. We all know that one of the great difficulties in the way of accepting this Bill, and one which may cause the most serious interference with its progress, is the serious danger of litigation; and, in the face of that fact, I decline to accept this Amendment as a serious proposal of statesmanship. I do not suggest motives, or say that the way it was accepted points to what may be expected to happen; but the Government may have remembered that an untimely birth is often followed by a premature death; and I pass by the Amendment, treating it as an unwholesome fungus in an unsound part of a not very sound Bill. There is one serious and substantial omission from the Bill. If, for high purposes of State, it was found necessary to apply this drastic measure to Irish landlords, to mutilate their property, and deprive them largely of their means of usefulness, at all events in common justice some provision might have been put in which would have guaranteed and insured the enjoyment of the small residue of property which remains to them. Instead of that, we have accepted Amendment after Amendment permitting a possible extension of the redemption period, interfering with the landlord's right of sale and with every possible right, short of getting rent; we have, on the other hand, Amendments proposed, not to give new privileges to the landlord, but to save him from some uncertainties and doubts, and we are met by distinct refusal; and the fact that the Opposition is conducted with forbearance is made a ground for denying measures of justice, which might have been conceded to Obstruction. I am bound to state that there is one thing I contemplate with satisfaction in this Bill. At all events, now that it is about to be passed, we have a right to expect and a right to insist that in Ireland we should have a firm and capable Executive. The nation will insist that the miserable scenes of last winter shall not be re-enacted. Never before in the

history of a country or of Parliament has any Government been given, and that without stint, so full a measure of ordinary and extraordinary powers. They have, in fact, been given every power, coercive and remedial, which they asked for or suggested. There can, therefore, be no justification for faltering action, no excuse for feeble words or palsied hands. The responsibility of the Government, always existing, now stands out in conspicuous relief, and the nation will see and judge how that responsibility is fulfilled. The responsibility of the Government must be fulfilled by a resolute maintenance of law and order and full protection of life and property in Ireland. The Government have got all they asked for, and they cannot complain if, during the Recess, their course of administration of affairs in Ireland is regarded, not by us alone, but by the whole nation, with constant vigilance and jealous watchfulness. I am no pessimist. I have hope for the future of Ireland; but my hopes do not depend upon or centre round this Land Law Bill. I have spoken of this Bill, I hope, in no unreasoning spirit. My opposition has been frank and open. I have made already my protest by word and by vote, and shall not vote again against the progress of the Bill. I am speaking now my last words with reference to it. But in parting from this Bill I cannot say that I regard its possible future without much solicitude and many misgivings. It is a measure which has been largely procured and directly influenced in its progress by unrighteous agitation, and which involves, in the case of Ireland, the sacrifice of principles which have tended to make England herself great.

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON): I cannot but regret, Sir, that a Member of the Opposition, occupying the high and distinguished position which my right hon. and learned Friend worthily enjoys, should have marred the generous tone he took during the Committee stage of the Bill by the course he has now adopted. ["Oh, oh!"] It may be owing to my inexperience in this House, or possibly to the fact that everything is fair in political warfare; but I think it strange that my right hon. and learned Friend, having a carefully prepared speech to deliver, seeing that the Speaker

rose, and seeing, too, that the Prime Minister then rose, should not himself have first risen and allowed the Prime Minister to follow him in debate

MR. GIBSON: I wish to explain. I did not see you, Sir, rise, and I was quite surprised to see the Prime Minister rise.

THE SOLICITOR GENERAL FOR IRELAND (MR. W. M. JOHNSON): Of course, I accept the explanation of my right hon. and learned Friend. But what has been the course adopted by the Opposition? They have criticized severely every part of the Bill, and now my right hon. and learned Friend has delivered a strong protest against it; but will they dare now to divide upon the third reading? I have crossed swords before now with the noble Lord the Member for Woodstock (Lord Randolph Churchill); but I think the course that he has the courage to take on the present occasion does him credit when compared with the course adopted by the Opposition. Why was it left to an outsider to raise this debate? Why have the Leaders of the Opposition disappeared from the House during the debate? I say it with great respect, but I am bound to say, after observing the course which has been taken by hon. and right hon. Gentlemen opposite, that the Opposition has not the courage of its convictions, and the noble Lord the Member for Woodstock has. My right hon. and learned Friend has, in the absence of the Prime Minister, spoken of him in a way that, I think, might have been spared; and he has summed up his criticism by saying that under the Bill the landlord will be damnified, and the tenant assisted at the expense of the landlord. I deny both those propositions. My right hon. and learned Friend asks—What has the tenant to sell if he does not sell the landlord's property? Well, over and over again it has been explained that what the tenant has to sell is his interest in his holding—that is, his right of occupancy, and, outside that, the improvements he has effected, often by his money, and always by his labour. This is not his landlord's property. The tenant must give notice to his landlord of his intention to sell, and as the landlord can buy, in what respect is he damnified? Does he ask to get the tenant's interest in his holding for nothing? My right hon. and learned Friend says that the Court may actually

have to say what is a fair price to give. I was, I confess, under the impression that a Court was the proper tribunal to resort to if a man has a right to assert or a wrong to be redressed; and I submit that an impartial Court is the right tribunal to decide the questions which may arise between landlord and tenant in the event of their not being able to agree between themselves. The next point criticized by my right hon. and learned Friend was the fixing of this fair rent by the Court. Does my right hon. and learned Friend want the landlord to obtain an unfair rent? Where is the landlord who will assert that? The provision in question is the best that could be devised for Irish landlords themselves, among whom I have many personal friends. Only yesterday I spoke to one, who said that his rents had not been raised during the 40 years he was in possession of the estate, and that, notwithstanding, he felt he should assist them by making them gifts of timber, slates, and other things. In these good relations how stands his rent. It is paid even in these times. After all, in fixing a fair rent, the Court would simply moderate—to use a University term—between the parties. But, said my right hon. and learned Friend, at least the landlord should be paid the old rent till the new was fixed. The Bill provided that such should be the case, as the new rent was not to become payable until the gale day next after the fixing of it. What unfairness was there in that? And yet, to hear my right hon. and learned Friend, it would be thought that some scheme was carefully wrapped up in the Bill for inflicting injustice on the Irish landlords. As originally brought in, the Bill did nothing more than carry forward the principles of the Act of 1870, which gave protection to occupancy. I will not delay the progress of this measure by any lengthened observations; but will simply say that, in my view, no one who has any knowledge of Ireland can deny that there is an eager wistfulness for the passage of the Bill, and a feeling of great anxiety occasioned by the delay which has occurred in its progress. It will give a security of tenure, which is most strongly desired and needed in Ireland; and it is not the visionary or disastrous scheme which has been pictured from time to time by hon. Members who are opposed to it. I deny that

the measure will operate against the landlord ; but the peasant as he drives his spade into the ground will feel that his arm is strengthened by knowing that wife and weans will be bettered by it. The right hon. and learned Gentleman has immensely exaggerated the effect of the clauses in regard to leases, which only give power to the Court to set them aside in case it is satisfied as to their injustice, and that they have been obtained under a threat of eviction. The hour has well nigh struck when the Bill will pass, and I believe it will be a great and generous message of peace to Ireland. But to bring that peace, language must be used very different from that used by my right hon. and learned Friend. Those are not the words which will win back alienated friends or heal the wounds which civil discord has left festering amongst us. It is my belief that this Bill will give safety to person, will add to the stability of property and the security of the Constitution in Ireland, will give a more manly tone to the nation's strength, and restore a healthy beat to the nation's heart.

LORD ELCHO said, he joined in the hope that the measure would have the effect of bringing peace to Ireland, even although it sinned against all those principles that had heretofore guided legislation. He was, however, glad that the decencies of procedure had been so far maintained, that a measure of this importance was not passed through both the last stages—Committee and Third Reading—in one night; for, in his experience in Parliament, no Bill of such importance had thus been dealt with. The discussion had been a very useful one, and the House had listened to some very able speeches. He had said little in Committee, but had followed the Bill carefully, and had given his vote whenever he thought its injustice or harshness could be modified or remedied. He felt bound to say that after all the weeks of careful labour in Committee, he did not find that the Bill was any sounder in principle than when he denounced its principles in the debate on the second reading. So far from that being the case, the Bill still was a return to the legislation of the Plantagenets, and to the French Revolution law of "maximum." It destroyed individual liberty and freedom in men's dealings with each other, and confiscated property without com-

pensation. And this was the act of so-called Liberals. The Bill, now more than ever, made the landlord nothing more nor less than a plundered rent-charger. Fair rents were to be fixed, not by the ordinary transactions of ordinary business, but, for the first time in our modern history, by the State. The Court was put in the position of the landlord, and the privileges of property were taken away from the landlord and placed in Commission; while the Bill severed for ever—unless he was prepared to purchase it—the labourer of Ireland from the future occupation of the soil. It further established the principle of the State breaking leases, and using State money to pay arrears of rent—that was, to advance money from public funds for the benefit of those who had repudiated their rightful contracts; while those who, through all this trying agitation discharged their contracts, were left out in the cold, without any benefit at all. A Bill such as this was not worth the support of the House. Its character and origin might be summarized thus. It was a measure "begotten by lawlessness, conceived in fear, founded on injustice, its ends corruption." They could not deny the truth of this. They could not deny that if there had been no Land League, and no resistance to the law, they never would have heard of this Bill. Was any hon. or right hon. Gentleman prepared to say the contrary? He also averred that there had been ill-concealed fear on the part of the Government, which had led them to introduce this measure; and he based his assertion on the words of the Prime Minister himself. The Prime Minister looked astonished at that statement; but he had himself heard the right hon. Gentleman say, on the 19th of July, that this Bill differed materially from the Irish Land Act of 1870, inasmuch as every line and every clause of this Bill was of vital importance, because the maintenance of law, the security of life and property in Ireland would depend upon them. He therefore asserted that it was in consequence of the fear of lawlessness in Ireland that the Government had brought in this Bill, in the hope of thus protecting life and property, which they should have been able to have secured without legislation of this kind. He maintained that the Bill was founded in injustice, and, further, that

its ends were corruption, inasmuch as it was a bribe to the 600,000 tenants in Ireland to obey the law. But would the Bill have the effect of tranquillizing Ireland? He ventured to say, reasoning by the analogy of the past, that this system of concession, followed by coercion and further concession, had alone brought about the present state of things in Ireland; and what was there in this Bill which was calculated to render it more effective for its professed purpose than previous measures? He believed, on the contrary, that it would encourage greater agitation in the future; and, looking at the effect the Bill was producing in this country and in Scotland in disturbing men's minds, and in altering their views as to the rights of property, and the relationship between the different classes which had hitherto governed society, this Bill was fraught with great danger. He was not prepared to let it pass in silence, or without recording his vote against it. He intended to divide the House on the Question. A speech had been made a short time ago by a right hon. Gentleman on the Front Opposition Bench, in which he denounced the Bill, root and branch; and in the good old days such a speech would have been naturally followed by a division. Now, however, we lived in different, if not better days, and the Bill was to be allowed to pass a third reading unchallenged. He admitted that the Conservative Party was in a difficulty. They, or rather their principles, found themselves between the upper and the nether millstone. The upper millstone was the fact that two great Conservative Peers and three Conservative Members of Parliament had put their names to a Report—the Duke of Richmond's—which the Prime Minister had often told the House was the basis of legislation. In their rear, and even on their own Bench, they had right hon. and hon. Gentlemen whose action had also been appealed to by the Prime Minister, as it was in similar circumstances in 1870, in reference to the Disturbance Clause of that Act. He referred to the Representatives of Ulster, whom he would call, if he might do so without offence, the Esaus of Ulster; for what was their position as regards this question of tenant right? They or their fathers or grandfathers, for beneficial purposes

to themselves, had sold their birthright, and, to obtain payment of rents and arrears, established tenant right on their estates. He could not understand, for the life of him, how these hon. Members, having done that—either themselves or their ancestors—could bring their consciences to vote for this Bill, which imposed tenant right for ever on every estate in Ireland now free of it, they knowing that the tenant, and not the landlord, would have the benefit of the free sale of tenant right under this Act of Parliament. The Bill allowed tenants to sell their right in the market for the highest price; but the landlord was debarred from getting the highest price he could for his land. Thus, between the upper millstone of the Duke of Richmond's Commission and the nether millstone of the Ulster Representatives, the principles of the Conservatives were ground into impalpable powder. Now, as to the hon. Members below the Gangway on the other side, no doubt their motives were perfectly patriotic, but the fact remained that, in acting as they had acted, they had cast aside all their traditions and principles; and although they might think they were doing what was right and would be beneficial to the country, they were establishing the principle that justice must be measured, not by justice, but by votes; and as sure as they had done that, they would find, when they enfranchised the masses, that they had taught them a lesson they would not forget. In every line of this Bill they had hatched a legislative chicken, that would come home to roost in the homesteads of England and of Scotland, in the houses of the large towns, in their manufactories, in their mines, in their ships, in their scrip and stock. For do not let them imagine if the great Liberal Party thus sanctioned the principle of the spoliation of one class for the benefit of another, that when they had enfranchised, as they no doubt would do one day, an ignorant and unintelligent Briareus, he would be slow to learn the lesson they had taught him, or fail to apply it to all kinds of property alike. He had a good many Friends among what was called the old Whig school. He knew they hated this Bill as much as he did; but they had submitted to it. They were bound down by ties of Party. And these same men

Lord Elio

who bowed down before the fetish of Party, when held up by their medicine man on the Treasury Bench, laughed at those who worshipped and believed in the Black Virgin of Loretto, and sneered at the untutored Natives of the South Sea Islands who worshipped stocks and stones. [*Cries of "Question!"*] He was speaking so much to the question that the il-Liberals did not like it. He would venture simply, as regarded his weak Whig Friends, to say that he believed that Party, properly conducted on sound and distinct principles, was the best and soundest form of government. But he would also say this, that he believed man was not made for Party, but that Party was made for man. Holding these views, he believed that this measure, whilst outraging all sound principles of government, would be more hurtful than beneficial to Ireland. This Bill would absolutely destroy the foundation on which our social system had hitherto rested. [Mr. HEALY: Thank God for that!] He accepted that expression in support of what he was saying. It was the truth, and he hoped it would be taken to heart by right hon. and hon. Gentlemen opposite. The Bill would destroy liberty of contract and the security of property, the only sound principle upon which nations could hope to prosper and progress. Holding these opinions strongly, he must record his vote against it. He did not care whether more than half-a-dozen hon. Members accompanied him into the Lobby. "The fewer men the greater share of honour." And if evil should come of this legislation, they would at least be able to say that they had taken advantage of all the Forms of Parliament to resist unprincipled and pernicious legislation.

MR. SHAW said, that notwithstanding the strong eloquence poured out by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) against the Bill, it struck him forcibly, when listening to that speech, that after all there was an undercurrent of feeling that, on the whole, it was not such a bad Bill. But the noble Lord who had just sat down had the courage of his convictions, and had taken a very different course. He had attacked it root and branch. The noble Lord believed it to be a bad Bill, and, that being his be-

lief, he would not be justified in adopting any other course than that which he had mentioned. The noble Lord said that the lawlessness existing in Ireland was the result of the operations of the Land League; but did the noble Lord think that in any country, even in Ireland, a body of young men of no social position, and no wonderful powers of eloquence, could have got up such a state of things as existed in Ireland if there were no social wrongs in Ireland that gave them power? The social state of Ireland which had brought about this measure sprang from the effects of a series of bad harvests and the action of the landlords themselves. He had by his side the original first copy of the Bill of 1870, and on the margin of it were the notes he made when it was discussed, and they embodied precisely the principles that were involved in the Bill now before them. The noble Lord said the Government had adopted the programme of the Land League. Nothing could be more absurd or incorrect. Why, the Land League at their meetings ridiculed and made it a special point to attack the "three F's." The noble Lord said the Bill would not pacify Ireland. Well, it was very hard to prophecy about Ireland. He thought he might say he had a fair knowledge of the country; and his opinion, which was fortified by letters which he received every day from all parts of Ireland relating to this Bill, was that the Land League was not Ireland; that there was in Ireland an amount of common sense; that the Land League had an amount of common sense; and that when this Bill became law they would see it to be their duty to lay hold of the real principles of amelioration in the Bill, and try to apply them for the benefit and welfare of Ireland. He could not think so meanly of the men at the head of that League as to believe that they would be so lost to all patriotism and right principle as to keep up the agitation for the mere sake of agitation, independently of the good or evil to be effected. He firmly believed that in the Bill there were many things which would tend to cure the sores and evils of his country, and also many things which would improve the system of land tenure. It was true there were points in the Bill that he would like to see improved; but he believed

that in the circumstances, with all the surroundings and difficulties that Ministers had to contend with, no better or more complete Bill could possibly have been passed. He earnestly hoped and believed that it would do much in the direction of pacifying Ireland; and, so far as regarded himself, he could honestly say that nothing that one man could do would be left undone to bring its provisions fully and fairly before the minds of the Irish people. He expressed the feeling of every Member of the House when he said he was astonished by the ability with which the Prime Minister had conducted the Bill. The oldest Member in the House had never seen anything like it, and the youngest Member, as long as he lived, would never see anything like it—the earnestness, the wonderful power of language and expression of “the old man eloquent.” The masterly grasp of facts and details, and his enthusiasm in conducting his measure had never been excelled. The Irish people would be grateful for what the right hon. Gentleman had done. He believed that in the hearts of the Irish people there was a deep feeling of gratitude to the right hon. Gentleman, and a conviction that he had done his very best for the settlement of the Irish Question. During the right hon. Gentleman’s absence from his Office he had opportunities of becoming acquainted with the opinions of Bishops, priests, and laymen in Ireland, and he found that there was no living statesman in whom the Irish people had such confidence as in the right hon. Gentleman, not because of his great ability, not because of his unexampled position in the world as a statesman, but because they believed he had earnest and honest principles. The Bill was about to pass to “another place.” For himself, he was not concerned as to how the other House treated it. If they showed the wisdom that the aristocracy had always shown in looking at all the circumstances in the face and acting generously with the facts before them, they would send the Bill down to the House of Commons very little changed from the condition in which it was sent up. If, on the other hand, they sent it down so changed that the Government could not accept it, then the agitation in Ireland would broaden and deepen, and the settlement of the question would be as remote as ever. But they anticipated

different treatment of the measure by the other House.

Mr. WARTON (who spoke amid the marked impatience of the House for a division) was understood to say that the Prime Minister, whatever charges might be fairly brought against him in other respects, had been wonderfully consistent at least in what he had said in 1870 and what he had said this year with regard to Irish ideas. The right hon. Gentleman stated in 1870, as he stated now, that there was an old Irish notion that even when the contract between landlord and tenant had expired, what was called the right of occupancy still remained in the tenant. But while he admitted the consistency of the Prime Minister on that point, he regretted it, because it showed that the right hon. Gentleman’s notion of statesmanship was to give way to Irish ideas. The connection between England and Ireland ought to exercise a civilizing influence on the latter country, and there was no surer mark of the civilization of a country than the observance of contract. In a barbarous country contract was not understood, and when a contract had there been entered into it was not felt that it should be religiously respected. By this Bill the Government were perpetuating ideas which ought to be discouraged, and were not raising Ireland to the high standard of civilization which was indicated by a regard for the sanctity of contract. He looked upon this measure as a relapse from a civilized state to a state of barbarism.

VISCOUNT FOLKESTONE said, he did not know whether the noble Lord the Member for Woodstock (Lord Randolph Churchill) intended to go to a division on the question of the third reading of the Bill or not—[“Yes!”]—but if he did, he could not refrain from saying a few words as to the vote which he meant to give on that occasion. He had listened to the speech of the noble Lord the Member for Woodstock with great interest, because every word which had fallen from the noble Lord had found an echo in his heart. The noble Lord the Member for Woodstock had been taunted by the hon. Member for Aylesbury (Mr. George Russell) with being the exponent of comedy in that House; but the hon. Member for Aylesbury appeared to be the exponent of broad farce—

Mr. Shaw

And it being ten minutes to Seven of the clock, the Debate stood adjourned till *this day*.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

LAND LAW (IRELAND) BILL.

Debate resumed.

VISCOUNT FOLKESTONE, on rising, was greeted with loud cries of "Oh, oh!" and "Question!" After comparative silence had been restored, he said, that as hon. Members had now finished exercising their lungs, he might, perhaps, be permitted to observe that he did not intend to pursue his remarks any further. He only rose to appeal to his noble Friend below the Gangway (Lord Elcho) not to proceed to a division. It would be impossible for the noble Lord to get adequate support, and if he challenged a division he could not expect it to have any effect on the future of the Bill.

SIR PATRICK O'BRIEN said, that, as the noble Lord (Viscount Folkestone) had brought them down to the House at 9 o'clock, he hoped he would give them the advantage of a division. At the same time, he was gratified to find that the idea of dividing upon this measure did not proceed from an Irish Member. The noble Lord had given them a pleasant history of the disintegration of the Conservative Party, and had incidentally alluded to a Commission of which he was not a Member. If the noble Lord had been a Member of it, he would have learnt something which would have prevented him from making his speech. As it was, the noble Lord, like the Bourbons, had learnt nothing and forgotten nothing. For his own part, he had since the year 1852 pursued an even and a continuous course in regard to that subject. ["Divide!"] The House was evidently impatient to go to a division, and he would, therefore, content himself by expressing his satisfaction that the principles which he and others who had been made the objects of unmitigated vituperation had consistently advocated by vote and voice were now triumphant.

SIR HENRY TYLER said, it was true there were but few Members on those (the Opposition) Benches; but he should

be proud hereafter, when, perhaps, a measure of a more radical character would be introduced, to recollect that he was one of the few who joined in this final protest against a Bill which they so strongly disapproved.

MR. MILBANK maintained that the course taken by the noble Lord opposite the Member for Wiltshire (Viscount Folkestone) reflected the greatest discredit on the House. Instead of delivering a speech, the noble Lord made some excuse and sat down. The noble Lord had simply been put up to talk the Bill out at 7 o'clock. He saw the noble Lord the Member for Woodstock (Lord Randolph Churchill) go up to the noble Lord the Member for Wiltshire—["Question!"]

MR. SPEAKER: I must call upon the hon. Member to confine his remarks to the Bill before the House.

MR. MILBANK would not say a word about the Bill. He was happy to say that he had throughout recorded his vote in favour of the measure.

MR. HEALY wished, before the Bill passed from that House, to make one thing clear. [Mr. O'CONNOR POWER: Divide!] He might inform the hon. Member for Mayo that he was in the habit of speaking there despite English Members, and certainly he was not to be cowed by Irish Members. He would not occupy the House more than two minutes, and what he had to say was in reference to the remarks of the hon. Member for Cork County (Mr. Shaw) on this Bill. The hon. Member seemed to have considerable faith in the measure, and he made certain prophecies with regard to its action in Ireland, and then went on to refer to what course the Land League would take on the measure. He (Mr. Healy) would venture to remind the hon. Member for Cork County, and those especially interested in this matter in Ireland, that the men who had brought this measure about—the men whose determination, whose resolution, and whose persistence had produced this measure—were not those who were now sitting on the Treasury Bench, but the men who were in penal servitude in Dartmoor and in the prison cells at Kilmainham. To those men they owed whatever was good in this Bill, and he begged to return them his most sincere thanks. It was to such men, and to their persistent efforts, that

they owed this measure. He gave no thanks to the Government. He had none to give to those Gentlemen who sat on the Treasury Bench. They in Ireland had been accustomed to see every measure that they desired refused them by that House until they were able, in despite of the House or in despite of its opinions, to wring a measure out of the Government of England. They had found the same with regard to this Land Law (Ireland) Bill. They had compelled the Prime Minister of England, who brought about the rejection of much more mild measures 10 years ago and six years ago, which might then have satisfied the people of Ireland—and he, in those days, got up and refused the principle of the measure—they had compelled the Prime Minister of England to swallow his declaration, and to pass in the measure which was now before the House practically the same principles which four or five years ago he had no language strong enough to condemn. [Mr. GLADSTONE: I never said a word upon them.] There was in existence a pamphlet by the noble Lord the Member for Haddingtonshire (Lord Elcho), giving extracts and quotations from speeches and writings of the Prime Minister, and it was to his speeches and votes he referred. However, be that as it might, all he had to say on the measure to-night was that they thanked, not the present Government, but they thanked the men whose persistency and resolution had driven the Government into bringing the measure before the House. They were told by the hon. Member for Cork County that that Bill would do a great deal of good in Ireland. Well, there were many sore hearts in Ireland that night, because there were now lying in the prison cells of the Chief Secretary for Ireland 200 of the best and most honest men of the country; and he would say that while those men lay in prison there would be no peace in Ireland. He would say, furthermore, that until that policy of the Chief Secretary for Ireland was discontinued—until they were prepared to pluck from the memory of the Irish people “that rooted sorrow”—no peace or prosperity would return to Ireland, let them pass what measures they pleased.

Mr. MITCHELL HENRY said, he could not allow the Bill to leave the

House without challenging the declarations of the last speaker. He did not wish to say anything irritating; but he would say this, that he did not believe the Irish people endorsed the sentiments they had just heard expressed. He had opposed the policy of coercion as strongly as the hon. Member opposite—[“No!”]—strongly as any hon. Member in that House; but he was convinced that had it not been for the policy pursued by certain persons, that Bill would have been the law of the land months and months ago, and the prisoners referred to by the hon. Member for Wexford (Mr. Healy)—some of whom he looked upon as the victims of bad advice, and some as the bad advisers—would never have been arrested. He believed the Irish people were deeply grateful to the Prime Minister for that Bill. They knew with what sorrow of heart he had violated those principles of liberty which he had maintained at all times, not only at home, but in foreign countries, where men were imprisoned for political offences. He had been driven to that course by the conduct of those who, had they been actuated by a true spirit of patriotism, leavened by a little common sense, would have spared their country the bitter herbs with which the dish of the Land Bill had been seasoned.

Mr. M'COAN said, that but for the remarks of the hon. Member for Wexford (Mr. Healy) he would have been content to give a silent vote; but he should be sorry if it went forth that the words of the hon. Gentleman represented the opinion of the Irish Representatives on that side of the House, or the feelings of the Irish people, on the Bill now about to be read a third time. He at once confessed what he had always felt—that the measure was largely owing to the agitation which had been initiated and carried on by the Land League, and, so far, much of the credit for it was due to that organization. But, at the same time, neither his conscience nor his sense of fair play would permit him to ignore the fact that its magnificent comprehensiveness was mainly owing to the generosity and justice of Her Majesty's present Government. He acknowledged the concessions which the Prime Minister, step by step, had made; and he believed that the general sentiment of the Irish people would similarly recognize its claims on their grateful ac-

Mr. Healy

ceptance. He sympathized with the men imprisoned in Ireland; but he was not then called upon to express an opinion as to the wisdom or unwisdom of the action that led to their arrest. But he would express an earnest hope that Her Majesty's Government would be able, concurrently with the passing of this Bill, to make some large concession of mercy to these men. If this were done, his conviction was strong that, accompanied by such a measure of mercy, the Bill, when passed, would strike an effectual blow at the root of agitation in Ireland, as all just excuse for it would be removed. At the risk of some unpopularity among his Colleagues, he had voted for the second reading of the Bill; and, as his opinion of it was unchanged, he should vote for its final stage to-night.

MR. J. COWEN said, he was reluctant to interpose in that long drawn out discussion, to which it was difficult for imagination to contribute a new thought, or ingenuity to suggest a fresh proposal. But he pleaded, in extenuation of his intrusion at that stage of the Bill, the fact that he had been one of the Members of the Commission whose Report the Prime Minister had more than once declared was the basis of the measure—a Commission which had been inquiring into the causes and extent of agricultural depression, and how far these could be remedied by legislation. He might further say that at no stage of the Bill had he delayed its progress by a single remark or a solitary Amendment. He was told that the first duty of a patriot was silence, and in the wordy warfare of the last few weeks he had the negative merit of having held his tongue. The Prime Minister, in introducing the Bill, indulged the hope that it would close a painful chapter of Irish grievances, and transform a poor and disaffected into a prosperous and contented population. That wish had been re-echoed by nearly every succeeding speaker; but it was more a wish than an expectation. The problem dealt with by the Bill was the oldest, most complete, and far-reaching that came within the range of British politics. It embraced agricultural, political, legal, and economic changes, which would go far to re-model the basis of social life in Ireland. It had exercised the ingenuity of successive statesmen. Interest

and prejudice, passion and patriotism, rebellion and remedial measures had all, in their turn, been tried; but they had failed to find a cure for the chronic disorder. It had been the occasion of more inquiries and more legislative failures than any Parliamentary question of the time. During the last 40 years five Royal Commissions and 15 Select Committees had investigated the subject. In the same space of time there had been 13 Bills proposed by different Governments, and three times 13 by independent Members. Out of this long list of abortive projects only two had passed into law; and, of those two, one had been an entire and one a partial failure. It was too much to expect that in a field which was so thickly strewn with the wrecks of carefully-devised projects that this measure should be completely successful. It was not within the compass of human wisdom to devise a scheme of constructive statesmanship that would change the organic relations of classes without exciting some prejudices and disappointing many hopes. No settlement, however comprehensive, could at once undo the demoralizing and disintegrating effects of ages of injustice and misrule. The inherited tendencies of generations could not be cured off-hand. All they could anticipate from the Bill was that it would help forward the long deferred work of reconciliation and regeneration, and hasten the end of Ireland's long agony. Some had spoken of the Bill as original. He did not think it could be so described. The question had been dealt with so often—by such different persons, in such different interests, under such conflicting conditions—that strict originality of treatment was impossible. Every single proposal in the Bill had, in one form or other, been made before. But its chief merit consisted in the skill and the dexterity with which old suggestions had been woven into a concrete whole. The materials were not original; but the product evolved by these discussions might be so described. The Prime Minister had exhibited, in conducting it, the very highest faculties of statesmanship. He had been both philosophical and practical—comprehensive enough to grasp great principles, and close enough to apply them. By his patience under delay—inevitable, perhaps necessary, but still troublesome delay—his persever-

ance in the face of difficulties—some of them unexpected, some of them unnecessary—and by his steady energy and ever ready resource throughout, he had revived the highest and happiest memories of Parliamentary Leadership. However men might differ with the principles of the Bill, however they might question the results it produced, it would be ungenerous and ungracious in the last degree not to acknowledge these powers ungrudgingly. But, while according to the Government the merit of having introduced the Bill, the credit of having initiated it belonged to another. That man was not a Member of the House, but was, unhappily, an inmate of a convict prison. The agitation—which originated in the West of Ireland two years ago, and which in a short time embraced in its ranks the whole of the peasantry of the country—had compelled the Government to submit the Bill, and would compel Parliament to pass it. ["Oh, oh!" and "No, no!"] Hon. Members might object as they liked, but that was the fact; and in politics the first condition of success was to recognize facts, however unpleasant they might be. The Legislature was the machine, the Ministers were the drivers and the engine-men, but the fuel was supplied, and the steam that moved it was generated, by the derided and denounced land agitators. ["Oh, oh!" and "No, no!"] The unwillingness of hon. Gentlemen to listen to these statements would not alter the facts. Agrarian reform in Ireland was not a portion of the programme of the Liberal Party when they took Office 16 months ago. It was added subsequently. During the prolonged and active agitation that preceded the General Election, the right hon. Gentleman at the head of the Ministry published a list of questions that he deemed pressing. He censured the last Government for supineness, and the last Parliament for its indifference in not grappling with them. In these 22 questions there was a reference to the Irish suffrage and Irish University Education, but nothing about Irish land. ["No, no!"] Cries of "No, no!" did not interfere with facts, and it was a fact he was stating. Out of 300 addresses issued by Liberal candidates in England and Scotland, not an allusion was made to the subject. [*Cries of "Question!"*]

Mr. J. Cowen

LORD ELOHO rose to Order. He wished to know whether, if the hon. Member was in Order in his remarks, the interruptions of hon. Members sitting immediately behind the Treasury Bench were not disorderly?

MR. J. COWEN, continuing, said, some of those Gentlemen in their addresses denounced Irish obstruction; others coquetted with Irish Home Rule; some of them promised that they would oppose Irish coercion, which promise they had not fulfilled. None of them spoke of Irish tenant right. They dilated on the insanity of the Turkish Convention, on the insincerity of the war in Afghanistan, on the immorality of the struggle in South Africa; but they said nothing of the "three F's." Indeed, he questioned if many of the constituents, or even the candidates, knew the meaning at the time of these cabalistic letters. Yet, notwithstanding this, the half of last Session and the whole of the present one had been occupied in discussing this Irish Question. He was not blaming the Government. They were simply acting according to precedent. It was the usual course under such circumstances. They legislated for Ireland under threats and from fear; and all Parties did it—both those opposite and those on that side of the House. Catholic Emancipation was granted as a result of the agitation by the Catholic Association. The Queen's Colleges and the endowment of Maynooth came as a means of buying off the Repeal agitation. The Church was disestablished, according to the declaration of the Prime Minister himself, in consequence of the determination and desperation of the Fenians. And the Land Bill, in like manner, was a consequence of the agitation that had moved Ireland during the last two years. The lesson he drew from these facts was that the general English public were ill informed of, and indifferent to, what was proceeding in Ireland; for, while they never referred to the question of land reform at the last Election, the same subject was the chief topic on every Irish hustings. The practice that all Parties in the State followed was, in his judgment, cowardly and politically immoral. They refused to deal with the question on its merits, or from a sense of justice or right; but they dealt with it when an agitation made the denial of

the demand dangerous to the public peace. If land reform in Ireland was necessary, it was necessary years ago. But the demand made by Mr. Butt and others was treated with indifference, and voted down by the very Party and the very men who were now applauding the passages of the Bill. They did not judge it upon its merits. They judged it from Party exigencies. The agitation had forced it to be a practical measure. For his part, he held that land legislation in Ireland was necessary years since. What he complained of was the delay. But he could not see either the consistency or the wisdom of men supporting projects that they disapproved of, and whose efficacy they denied, merely from compulsion. If a measure was right and just, it ought to be conceded. If it was not right and just, it ought to be resisted, and the men who resisted should courageously face the consequences of their resistance. He did not wish to detain the House or to prolong his observations; but he thought, in justice to the much-denounced Members on the Opposition side, that their share in passing the measure ought fairly to be recognized. He cheerfully and cordially accorded to the Prime Minister and the Government all honour for what they had done; but he repeated that the initiative and the popular force requisite to carry the Bill into law had sprung from the agitation.

MR. R. POWER said, that he should not have wished to interfere in the discussion which had arisen had it not been for some remarks made by the hon. Member for Wicklow (Mr. M'Coan). The hon. Member had appealed to the Government to show mercy to the men now imprisoned in Kilmainham Gaol. He fearlessly stated that not one of those men now in prison would come out to-morrow on the terms proposed by the hon. Member for Wicklow. If the Government doubted his word, they could easily afford them the opportunity, and he ventured to say that they had courage and manhood enough to refuse to march out of the prisons into which they had been cast by the Chief Secretary for Ireland. Those men had gone to prison believing that they had conducted themselves right. ["Question!"] Hon. Members cried "Question!" because he was a little too close to the question. It was

a question of 200 men being incarcerated in the prisons of Ireland. They could not refer him to a single instance where a Liberal Government had on a previous occasion imprisoned 200 British subjects in Ireland; and the Government dare not bring them to trial in Ireland. The hon. Member for Newcastle (Mr. J. Cowen) had stated truly enough that the Bill was the result of agitation. It was really the Land League and not the Government which passed the Land Bill of 1881. He would remind the House of the statement made by the Prime Minister at the explosion at Clerkenwell—an explosion which he (Mr. R. Power) condemned in the strongest terms, but which brought about the disestablishment of the Irish Church. Would the right hon. Gentleman venture to deny that? Those agitations taught the Irish people that they need no longer supplicate, but might demand as of right the redress of their grievances. For many years Irish Members had in that House asked for the redress of grievances. But until the most powerful organization that had ever been known in the world was formed, it was all in vain. In consequence of that agitation, the present Bill came into existence. Why had not the right hon. Gentleman supported the Land Bill which had been brought in by the late Mr. Butt—a Land Bill much milder than the one upon which the House was about to divide? Mr. Butt had no organization. He had eloquence and determination, but of what use were they? It was not until his hon. Friend the Member for the City of Cork (Mr. Parnell) started the organization in Ireland, until he showed to the people the real strength which organization gave them, that the Liberal Government thought it would be a very wise thing to take up the Land Question in Ireland. The First Lord of the Treasury had often taunted the Irish Party for not supporting him in connection with many of the Amendments to the Bill. Well, he did not know that they owed much gratitude to the right hon. Gentleman. He had yet to learn that a people owed gratitude for justice, and this Bill was one of mere justice. If there were any faults in it, the right hon. Gentleman must be blamed for them. When certain Irish Members organized a deputation to wait upon the right hon. Gentleman for the

purpose of laying before him what they believed to be the opinions of the Irish people, how did the Government act? They sent word that no Irish Member sitting below the Gangway on the Opposition side of the House should go with the deputation.

MR. GLADSTONE: Who did that?

MR. R. POWER said, he would inform the right hon. Gentleman in one minute. Both the hon. Members for Louth asked to be admitted with the deputation, and were told that no Member sitting in the part of the House which he had already designated would be allowed to accompany the deputation.

MR. GLADSTONE: By whom? Name, name!

MR. R. POWER said, that two hon. Members would get up and give the names. They were told so by the Whips of the Liberal Party. ["Oh!" and "Name, name!"] He knew that he for one was most anxious to attend the meeting; but he was refused admittance. [*Cries of "By whom?" and "Name, name!"*] The Prime Minister asked him to name. They on that side of the House did not get much information from the Treasury Bench; but his hon. Friend the Member for Louth would be quite prepared to state their names. [*Cries of "Name, name!"*]

MR. CALLAN: I shall presently be prepared to name them. ["Order!" and "Name!"]

MR. GORST: I rise to Order. I wish to know, Sir, whether the right hon. and learned Gentleman the Home Secretary is in Order in interrupting by persistent cries of "Name, name?"

SIR WILLIAM HARCOURT: I rise to Order. [*Loud cries of "Order!" and continued interruption.*]

MR. SPEAKER: The right hon. and learned Gentleman having risen to Order, is in possession of the House.

SIR WILLIAM HARCOURT: The hon. and learned Member opposite has risen to Order. He has challenged what I have done, and I rise to Order to appeal to you, Sir, upon the Question which the hon. and learned Member has put. The hon. Member who was addressing the House stated that he and other people had gone personally to the Government—[*Cries of "No!"*] Allow me to appeal to the recollection of the House. The hon. Member, first of all, vouched—[Mr. GORST: Hear, hear!]—

I ask whether the hon. and learned Member for Chatham is in Order in interrupting me? The hon. Member who was addressing the House first of all vouched the Members for Louth, and being called upon to give the names said, "I myself." [*Cries of "No!"*] The hon. Member having thus vouched himself as having gone to the room with the deputation—[*Cries of "No, no!"*]

MR. SPEAKER: The right hon. and learned Gentleman is in possession of the House, and he is entitled to proceed to the end of his address without interruption, so long as he speaks to the point of Order.

SIR WILLIAM HARCOURT: If I have misunderstood the hon. Member who was addressing the House—if he says he made no such statement, I shall, of course, accept his denial; but at present all I can say is that it was my impression that he did make such a statement, and it was under that impression that I called upon him as having vouched that he went to the room.

MR. R. POWER said, he was very sorry that the right hon. and learned Gentleman had misunderstood him. He had not said that he went himself to the deputation room. He did not believe in accompanying deputations to Englishmen. The facts of the case were that he asked the hon. Member for Louth (Mr. Callan) about the deputation, and that hon. Member told him that he was informed by a Gentleman who they could well suppose possessed the confidence of the Government—one of the Commissioners under the Bill—namely, Mr. Litton, that no Irish Gentleman sitting upon his side of the House could accompany the deputation. He then observed to the hon. Member for Louth that Mr. Litton, though a thick-and-thin supporter of the Government, was perhaps not entitled to say as much as he did say. To that the hon. Member for Louth replied that Lord Richard Grosvenor had informed Mr. Litton that no Irish Member sitting below the Gangway on the Opposition side of the House would be allowed to go with the deputation. He would now return to the question of the Land Bill. The noble Lord the Member for Woodstock (Lord Randolph Churchill) had made one or two observations which he could not refrain from noticing. The noble Lord appealed to the Government on behalf

Mr. R. Power

of the landlord class, saying—"The landlords have always supported you in Ireland, and yet now at the eleventh hour you throw them over." Well, he agreed with the noble Lord in every word which he had spoken. The landlords had been the support of the Government and the House. They had supported them in connection with every miserable, petty, or tyrannical Act which had been passed in reference to Ireland, and they had carried out the laws passed by Englishmen in every particular, on the Bench and in other Offices. He was not sorry that the landlords seemed now to be inclined to refuse to act any longer as a buffer between the Government and the people of Ireland. He was not, however, so prejudiced as to say that the Bill now before the House contained nothing good. He admitted frankly that it was the best which the English Government could pass at the present time. But it had always been the misfortune of Ireland to suffer on account of the Party tactics of English politicians. If the Government were anxious to do justice to Ireland, as he believed the right hon. Gentleman at the head of the Government was, they could not carry with them the great phalanx behind them, consisting of the Independent Liberals. The worst point of all was that there was no real Radical Party in the House. The one thing capable of destroying the Radical Party in this country was the Birmingham caucus. [*Cries of: "Question!"*] He knew very well that hon. Members below the Gangway opposite would cry "Question!" at that statement, for to them this was a very disagreeable subject to talk about. His opposition to the Land Bill originated in the views which he entertained with regard to the 26th clause. He had seen in that clause a fixed purpose to depopulate Ireland—"No, no!"—and though hon. Members opposite cried "No!" they would find that the people of Ireland had viewed the clause in the same light. But his Colleagues had virtually killed that clause, and had forced the Government to reduce their original estimate of the expenditure under its provisions to the comparatively small sum of £200,000. He should not speak his honest convictions if he did not declare that this Bill could not be regarded as a final settlement.

MR. CALLAN said, he regretted that his name had been introduced, but he must detain the House a few minutes while he offered a personal explanation. The conversation that had been referred to took place six months ago, and it had been accurately reproduced by the hon. Member for Waterford (Mr. R. Power). He (Mr. Callan) came into this present Parliament belonging to the same Party that he had acted with for 12 years, and it was not until he heard from the reading of the Queen's Speech that coercion was to precede land reform, that he tore up the card securing his place on the Liberal side, and changed to the other side of the House.

MR. SPEAKER reminded the hon. Member that he was travelling beyond the limits of personal explanation, and that the Question before the House had nothing to do with the tearing up of his card.

MR. CALLAN proceeded to say that he was in 1870 the secretary of a meeting of the Irish Members to consider the Land Bill of that year, and when he heard that the Land Question was again to be dealt with, he thought a similar meeting of Irish Members would be held. Upon learning, however, that arrangements had been made for a deputation, he said to Mr. Litton, who appeared to have the matter in charge, that he should like to accompany the deputation, and Mr. Litton told him that it was the express wish of the Prime Minister that no Members from the opposite side should go, that the right hon. Gentleman entertained a strong personal objection to any Member sitting in Opposition going with the deputation upon this matter. He (Mr. Callan) expressed doubt as to that, and Mr. Litton said they were so careful about those who were to go on the deputation, that a list had to be submitted to the chief Government Whip (Lord Richard Grosvenor). He was told by his Colleague that a similar intimation had been conveyed to him.

MR. GLADSTONE said, he rose to request the favour of being allowed to make a personal explanation, as his name had been introduced. He could promise it should not be one-twentieth part of the length of that of the hon. Member. So far as he was concerned—he could not say anything about Mr.

Litton — there was not the slightest shadow of foundation for any portion of the statement which had been made.

LORD RICHARD GROSVENOR said, he was sorry to be obliged to trouble the House for a few moments with what seemed to be required from him — namely, a personal explanation of his course in this matter. He could assure the House that this was the first time he had heard anything of the strongly expressed opinion and wish of the Prime Minister. He did not believe that he ever expressed such a wish on the part of the Prime Minister to Mr. Litton, and he very much regretted that the hon. and learned Member for Tyrone (Mr. Litton) was not then present. He could assure the House that this was the first he had heard of it; and he was perfectly certain that the House would believe him that he could not possibly have invented such a statement, as it would not have been the perfect truth.

MR. E. COLLINS said, he was unwilling to intervene in this conversation; but he considered it only fair and just to those who were involved in this accusation to state the facts in reference to the deputation in question. He was a member of the deputation. It originated from a meeting, not of the Irish Members, but of the Liberal Party interested in the passing of a Land Bill for Ireland.

MR. SPEAKER: After the personal explanations that have been made, I think I ought to point out to the House that the Question before it is the third reading of the Land Bill.

MR. BLAKE said, he should be sorry if the closing words on this Bill on the part of Irish Members should appear to be those of ungraciousness towards the Prime Minister, to whom the Irish people owed so much for his efforts to benefit them by this measure. While he (Mr. Blake) believed that no man had the interest and welfare of Ireland more at heart than the hon. Member for Wexford (Mr. Healy), he thought that on the present occasion the hon. Member had shown more indiscretion than, he was sure, the hon. Member on reflection would wish to show. The hon. Member for Wexford was young, earnest, and impulsive, and the latter quality, as on the present occasion, sometimes led him into not making due allowance for the difficulties of the Government in not ac-

complishing all he deemed desirable in the interests of the country. He (Mr. Blake) spoke with perfect independence when he said that the Bill did not go as far as he could wish; and he agreed with the hon. Member for Waterford (Mr. R. Power) that it would not be considered a final settlement of the Irish Land Question, as it was not unlikely that after a trial some defects would have to be remedied, and therefore it would be premature to declare the Bill, good as it undoubtedly was, a finality. In its present form it would confer much benefit on the Irish people if properly carried out. But he believed that the Prime Minister had gone as far as he could, and, as an Irish Member, he offered the right hon. Gentleman his most sincere and grateful thanks.

Question put.

The House divided: — Ayes 220; Noes 14: Majority 206.

AYES.

Acland, Sir T. D.	Chambers, Sir T.
Agar-Robartes, hn. T. C.	Childers, rt. hn. H. C. E.
Agnew, W.	Chitty, J. W.
Ainsworth, D.	Clarke, J. C.
Allen, H. G.	Cohen, A.
Allen, W. S.	Colebrooke, Sir T. E.
Allman, R. L.	Collings, J.
Anderson, G.	Collins, E.
Archdale, W. H.	Colman, J. J.
Armitage, B.	Colthurst, Col. D. la T.
Armitstead, G.	Corbet, W. J.
Arnold, A.	Corbett, J.
Asher, A.	Corry, J. P.
Balfour, Sir G.	Cotes, C. C.
Balfour, J. B.	Courtney, L. H.
Barran, J.	Cowan, J.
Beaumont, W. B.	Cowen, J.
Blake, J. A.	Cowper, hon. H. F.
Blennerhassett, Sir R.	Craig, W. Y.
Blennerhassett, R. P.	Creyke, R.
Bolton, J. C.	Cross, J. K.
Brassey, Sir T.	Cunliffe, Sir R. A.
Bright, rt. hon. J.	Daly, J.
Brinton, J.	Davey, H.
Broadhurst, H.	Davies, D.
Bruce, rt. hon. Lord C.	Dawson, C.
Bryce, J.	Dilke, Sir C. W.
Butt, C. P.	Dillwyn, L. L.
Buxton, F. W.	Dodson, rt. hn. J. G.
Caine, W. S.	Duckham, T.
Callan, P.	Earp, T.
Cameron, C.	Edwards, H.
Campbell, Lord C.	Errington, G.
Campbell-Bannerman, H.	Evans, T. W.
Carbutt, E. H.	Fairbairn, Sir A.
Carrington, hn. Colonel W. H. P.	Farquharson, Dr. R.
Causton, R. K.	Fay, C. J.
Cavendish, Lord F. C.	Ferguson, R.
Chamberlain, rt. hn. J.	Findlater, W.
	Fitzmaurice, Lord E.
	Fitzwilliam, hn. H. W.

Forster, rt. hon. W. E.
 Fort, R.
 Fowler, W.
 Fry, L.
 Gabbott, D. F.
 Gill, H. J.
 Givan, J.
 Gladstone, rt. hn. W. E.
 Gladstone, H. J.
 Gladstone, W. H.
 Gordon, Sir A.
 Goschen, rt. hon. G. J.
 Gourley, E. T.
 Grant, A.
 Gurdon, R. T.
 Hamilton, J. G. C.
 Harcourt, rt. hon. Sir
 W. G. V. V.
 Hardcastle, J. A.
 Hartington, Marq. of
 Hastings, G. W.
 Hayter, Sir A. D.
 Henderson, F.
 Henry, M.
 Herschall, Sir F.
 Holland, J. R.
 Holms, J.
 Holms, W.
 Hopwood, O. H.
 Howard, G. J.
 Hughes, W. B.
 Hutchinson, J. D.
 Illingworth, A.
 Inderwick, F. A.
 James, O.
 James, W. H.
 James, Sir H.
 Jenkins, D. J.
 Johnson, E.
 Johnson, W. M.
 Kinnear, J.
 Labouchere, H.
 Laing, S.
 Law, rt. hon. H.
 Lawrence, W.
 Lawson, Sir W.
 Lea, T.
 Lee, H.
 Lefevre, rt. hn. G. J. S.
 Leigh, hon. G. H. C.
 Leighton, Sir B.
 Lever, J. O.
 Lubbock, Sir J.
 Macfarlane, D. H.
 Mackie, R. B.
 MacIver, P. S.
 Macnaghten, E.
 McCarthy, J.
 McClure, Sir T.
 McCoan, J. C.
 McKenna, Sir J. N.
 McLagan, P.
 McLaren, C. B. B.
 McLaren, J.
 McMinnies, J. G.
 Mappin, F. T.
 Marjoribanks, Sir D.
 Marriott, W. T.
 Martin, R. B.
 Marum, E. M.
 Mason, H.
 Meldon, C. H.
 Milbank, F. A.

Molloy, B. C.
 Monk, C. J.
 Moore, A.
 Morgan, rt. hon. G. O.
 Morley, A.
 Mundella, rt. hon. A. J.
 Noel, E.
 Nolan, Major J. P.
 O'Beirne, Major F.
 O'Brien, Sir P.
 O'Connor, D. M.
 O'Donoghue, The
 O'Gorman Mahon, Col.
 The
 O'Kelly, J.
 O'Shaughnessy, R.
 Otway, A.
 Paget, T. T.
 Palmer, C. M.
 Palmer, G.
 Palmer, J. H.
 Parker, C. S.
 Pease, A.
 Peddie, J. D.
 Playfair, rt. hon. L.
 Powell, W. R. H.
 Power, J. O' C.
 Power, R.
 Price, Sir R. G.
 Pugh, L. P.
 Ralli, P.
 Ramsay, J.
 Reid, R. T.
 Richardson, T.
 Rogers, J. E. T.
 Russell, G. W. E.
 Rylands, P.
 Samuelson, H.
 Seely, C. (Nottingham)
 Shaw, W.
 Slagg, J.
 Smithwick, J. F.
 Smyth, P. J.
 Spencer, hon. C. R.
 Stanley, hon. E. L.
 Stewart, J.
 Stuart, H. V.
 Sullivan, A. M.
 Sullivan, T. D.
 Summers, W.
 Synan, E. J.
 Talbot, C. R. M.
 Tennant, C.
 Thomasson, J. P.
 Tillett, J. H.
 Trevelyan, G. O.
 Vivian, A. P.
 Walter, J.
 Waugh, E.
 Webster, J.
 Wedderburn, Sir D.
 Whitbread, S.
 Wiggins, H.
 Williams, S. C. E.
 Williamson, S.
 Willis, W.
 Wilson, Sir M.
 Wodehouse, E. R.
 Woodall, W.

TELLERS.
 Grosvenor, Lord R.
 Kensington, Lord

NOES.

Barttelot, Sir W. B.
 Bective, Earl of
 Dixon-Hartland, F. D.
 Folkestone, Viscount
 Gorst, J. E.
 Holland, Sir H. T.
 Hubbard, rt. hn. J. G.
 Onslow, D.
 Ross, C. C.
 Schreiber, C.

Scott, M. D.
 Tyler, Sir H. W.
 Warton, C. N.
 Whitley, E.

TELLERS.

Elcho, Lord
 Hay, rt. hon. Admiral
 Sir J. C. D.

Bill *passed*.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed,
 "That Mr. Speaker do now leave the
 Chair."

IRISH FISHERIES.—RESOLUTION.

Mr. BLAKE, in rising to call attention to the depressed condition of the sea fisheries of Ireland ; and to move—

"That it is the opinion of this House that it is the duty of the Government to take measures to render the Irish Fisheries more available as a means of affording increased food and employment,"

said, that he considered he rose under very adverse circumstances, as the House had been, until that moment, engaged with another very important matter. His object was to show that great benefits had been conferred on the fishermen by the aid already afforded by the Reproductive Fund, and which afforded a precedent for similar assistance being given to the eight maritime counties without loans. He might also mention that enormous benefits had been conferred on the coast population of the county of Cork by the benevolence of the Baroness Burdett-Coutts, who, with her characteristic generosity, had aided many fishermen between Baltimore and Cape Clear to follow their occupation. It was of the highest importance to develop such a fertile source of food as the sea fisheries of Ireland. At present they did not produce more than £700,000 a-year; but if they were properly developed they might produce £2,000,000 or £3,000,000, materially increase, and, at the same time, cheapen the food of the people, and serve as an admirable nursery both of the Royal Navy and of the Mercantile Marine. Every Fishery Company had failed because of the tempestuous character of the coast. It was only at certain periods when fishermen

could safely venture out to sea, and the only success gained had been in cases where fishing and farming were combined. As a means of developing this industry, he suggested that the coast population should be assisted with proper appliances for fishing, and that the necessary aid for that purpose might be given, not out of the Imperial Exchequer, but from the Church Surplus Fund. He believed the Government never had so favourable a chance of doing good at so little cost. It was their incumbent duty to do all in their power to develop the resources of Ireland. It was strange to see fully £2,000,000 worth of good food allowed to be unavailed of, which, besides other advantages, would have afforded vast employment in its capture, and helped to train a large amount of the coast population to various industrial pursuits connected with fisheries. Besides that, by putting the fishing industry in a proper position, they could be rendering themselves less dependent on foreign countries for food supplies. The Chief Secretary had been so occupied with the Land Bill that he could hardly be expected to have devoted much attention to the question of the fisheries; but now that the Land Bill was over, for the present, at least, he (Mr. Blake) hoped the right hon. Gentleman would inquire into the subject, with a view of doing something early next Session. He, therefore, with much confidence, begged to move the Resolution of which he had given Notice.

MR. W. HOLMS said, he thought it would be well to encourage the development of the industrial resources of Ireland, and the fisheries among them. Apart from industrial considerations, it was a matter of the greatest importance that every encouragement should be given to rearing a hardy race of fishermen, who, after all, were the very best men for recruiting the Navy. As a Scotchman, he ventured to remark, in reference to Irish fisheries, that he thought Irishmen, with the power of fishing off their own coast, might develop to a greater extent than they had done their own fisheries. He lived for many years near a fishing village on the Ayrshire Coast, where, year after year, he observed a small fleet of fishing vessels laid up for the winter. He found that, for the most part, these vessels did not

fish on the Scotch Coast, but were accustomed, in the Spring of the year, to sail for the Irish Coast, where they reaped a rich harvest. He thought, therefore, that their Irish friends might do more themselves to develop their own fisheries; and he also thought the Government would spend money well that would in any degree develop that industry. He had great pleasure in seconding the Resolution.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is the opinion of this House that it is the duty of the Government to take measures to render the Irish Fisheries more available as a means of affording increased food and employment."—(Mr. Blake.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. W. E. FORSTER, said, that, notwithstanding the pressure of other Business, the question of the Irish fisheries had not been neglected during the year. A considerable sum had been spent on the erection of piers, chiefly in the Western Counties, where the people were very poor, and where there was a vast congestion of the people. Although he did not think a population, partly agricultural and partly fishers, could compete with those who devoted their whole energies to fishing, still that was no reason why they should not do what they could to develop the fisheries of a country whose coasts abounded with fish. Aided by a munificent donation from Canada, some £60,000, including £45,000 from the Exchequer, had been appropriated for the erection of 30 piers, mostly in the Western Counties. As to the reproductive loan to Irish fishermen, he wished the fact could be impressed on Parliament and the country that these loans had been granted to very poor people, yet they had been paid with the greatest possible regularity, only £900 being overdue out of £30,000.

SIR JOSEPH M'KENNA said, he hoped that the attention of the Government would be given to the condition of the South, as well as the West Coast of Ireland. All efforts, however, to improve the fisheries of Ireland would be ineffective unless the Government turned its attention to the charges made by Irish railways for the carriage of

Mr Blake

fish, which, in some cases, were almost prohibitive. Remarks had been made about the superior success of Scotch and English fishermen on the English Coast as compared with the Irish. But it ought to be remembered that the former had better markets at command; and if Companies were formed it would be better that they should have, if not their headquarters, certainly some depôts, at English or Welsh seaports, so as to avoid the heavy charges of transport on the Irish railways.

COLONEL COLTHURST said, he wished to call attention to the Reproductive Loan Fund, which he thought ought to be extended. As far as Galway was concerned, the most successful fishing was by the fishermen themselves. He only knew of one successful Company, and that was an Irish Company, which had succeeded where a Cornish Company had failed. The loans made by the Baroness Burdett-Coutts to individual fishermen had been of the greatest advantage, and had greatly stimulated the industry of the fishermen. His noble Friend the Secretary to the Treasury two years ago expressed himself as incredulous as to the repayment of loans to small fishermen. But in the event it was shown that payments were most regular. There was also a great deficiency of harbours and piers. Unfortunately, the choice of the places for piers was not fairly made, but depended upon the amount of pressure which influential localities brought to bear upon head-quarters.

MR. T. P. O'CONNOR said, that at present only eight maritime counties got assistance from the fund; and his hon. Friend justly complained that the other nine counties should be left out in the cold. The right hon. Gentleman was in perfect agreement with his hon. Friend as to the importance of the industry and the necessity for developing it. The right hon. Gentleman also admitted that the mode of developing that industry by loans had been found most successful, as was shown in the case of the reproductive loan, the loan of the Baroness Burdett-Coutts, and the Canadian Fund. It was, therefore, the duty of the right hon. Gentleman, as Chief Minister for Ireland, to see that the loans, which he admitted to be deficient, should be increased. He hoped the right hon. Gentleman would knock at the door of the

Treasury until he extracted something from the noble Lord (Lord Frederick Cavendish). He would request the right hon. Gentleman to devote the most serious attention to this subject during the Recess, and to come before Parliament with a practical scheme next year.

MR. VILLIERS STUART said, he hoped that the Government would not turn a deaf ear to the appeal of his hon. Colleague (Mr. Blake). He could bear witness to the truth of his statement, both as to the productiveness of the Irish fisheries, and to the sad fact that, from want of proper boats and nets, the coast population had the mortification of looking idly on while well-appointed boats from Cornwall, the Isle of Man, and even from France, reaped golden harvests in which they could not share. It would be said, why did they not show the same enterprise, energy, and industry as their rivals? He (Mr. Villiers Stuart) could assure them that the Irish fishermen were not wanting in energy and daring; but they were in the position of workmen who had lost their tools. Their boats had again and again been destroyed for want of proper shelter, and they were too poor to replace them; while their Cornish, Manx, and French rivals had long ago been provided with harbours on their coasts. He was convinced that public money could not be laid out to greater advantage than in loans to these poor fellows, to enable them to procure boats and nets. Those were their stock-in-trade; and surely it was a legitimate proceeding to enable workmen who lost their tools to replace them, instead of leaving them to swell the ranks of pauperism, and increase the poor rates. If they had proper boats and nets, they would often take in a single season fish enough to repay the entire loan; and not only that, but the population for miles inland would be benefited by a wholesome supply of valuable food. The granting of this relief was the more important at the present crisis, when serious consequences were likely to arise from want of employment, both on the coast and further inland. He must mention that at Ardmore, where valuable fisheries existed, a pier might be built at a very moderate cost, which would enable the fishermen to benefit by the vast shoals of sprats, mackerel, and

other fish, which annually visited their coast. He could say the same of Dun-
garvan Bay. In both these cases most
favourable Reports had been made to the
Government by the Inspector sent down
for that purpose. He had had the
honour of taking part in a deputation
to the Treasury last Session, and he had
understood the noble Lord (Lord Freder-
rick Cavendish) to say on that occasion
that the £5,000 annually granted would
not be suspended in consequence of
the Canadian loan. [Lord FREDERICK
CAVENDISH dissented.] Well, he had a
strong impression that the noble Lord
had said so. It was unfair to relieve
the West of Ireland at the cost of other
distressed districts, which were equally
in need of assistance.

LORD FREDERICK CAVENDISH
said, he wished to remove a misappre-
hension which seemed to be shared by
hon. Members. When a special grant
was made last year, it was on condition
that the ordinary annual grant should
be suspended for a time. In the present
year a certain sum had been taken for
the completion of works begun before.
Next year, and in subsequent years, the
matter might be open for considera-
tion.

SIR GEORGE CAMPBELL remarked,
that it was rather trying to Scotch and
English Members to see so much time
devoted to Irish questions. The whole
of the early Sitting had been taken up
by an Irish subject, and now another
Irish question was before the House.

MR. O'DONNELL said, he thought
the Irish fishermen could not expect
much from the economy of the Financial
Secretary. He was sorry this question
had excited the indignation of an excel-
lent Scotch Representative; but he must
remind the hon. Gentleman that it was a
question connected with the well-being
of a much larger population than the
poor fishing population. The Irish
Members quite agreed that they could
manage these matters without the pa-
tronizing assistance of the hon. Gentle-
man. Indeed, he was of opinion that Irish
Members were much more competent to
deal with Scotch affairs than Scotch
Members were to meddle with Irish
affairs. In his opinion, the only way in
which the fishery problem in Ireland
could be solved was by a series of com-
prehensive measures, including the open-
ing up of cheap railways and what

were called measures for the direct en-
couragement of the fisheries.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker
do now leave the Chair," put, and
agreed to.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

CLASS II.—SALARIES AND EXPENSES OF CIVIL DEPARTMENTS.

(1.) Motion made, and Question pro-
posed,

"That a sum, not exceeding £17,619, be
granted to Her Majesty, to complete the sum
necessary to defray the Charge which will come
in course of payment during the year ending on
the 31st day of March 1882, for the Salaries
and Expenses of the Charity Commission for
England and Wales."

MR. BRYCE said, that although the
subject he desired to call the attention
of the Committee to was one of very
great importance, involving nothing less
than the middle class education of the
country, he hoped, considering the late-
ness of the hour and the necessity of
making progress in Supply, to dispose
of it very shortly. He did not propose
to move the reduction of the Vote, par-
ticularly as he expected to obtain a satis-
factory answer from the Government to
the questions which he proposed to put.
Nor did he propose to enter into any
general question with regard to the
policy of uniting the Charity and the En-
dowed Schools Commissions. He was
quite aware that that policy had been
questioned in many quarters, and that
the Government had incurred great re-
sponsibility in changing the organization
of the Endowed Schools Commission.
A Commission to inquire into the work-
ing of the Endowed Schools Commission
sat for some years from the year 1865,
and presented Reports in 1866 and 1868.
He had had the honour of being one of
the Commissioners, and he was, there-
fore, able to explain what the result of
the inquiry was. It went a long way
towards showing that the education of
what might be called the middle classes
of the country—namely, that which was
above the elementary education, but
below that given in the higher class
schools and Colleges, was eminently un-
satisfactory. In many cases the endow-
ments for educational purposes had been

Mr. Villiers Stuart

entirely neglected, and the education given was most defective. The consequence of the disclosures made by the Commission was the appointment of the Endowed Schools Commission in 1869. That Commission worked on until the year 1874, when there was a change of Ministry, and it was superseded in that year by the Commission which, at the present moment, continued to carry on the work. The Act of 1874, although it continued the Commission which was specially charged with the work of re-organizing the Endowed Schools, united the Commission with the Charity Commission, and placed it under the control of the Chief Commissioner of that Commission. Since then the work had been carried on under the auspices of the Charity Commission. Nearly 11 years had now elapsed since the Endowed Schools Act of 1869 began to take effect, and during that time the progress of the re-organization had been very much slower than was anticipated by those who framed the Act of 1869, or by those who made the alteration in the Act of 1874, under which the work was now carried on. It was expected in 1869 that the whole work of preparing new schemes would be completed in five or six years; but since 1869 the schemes which had been framed for the Endowed Schools of the country dealt with less than one-half of the total number of Endowed Schools. It was true that the value of the endowments was slightly in excess of one-half of the total amount; but the number of schools remaining to be dealt with was greater than the number which had been dealt with in the 11 years which had elapsed since 1869. Therefore, at the same rate of progress it was clear that 11 years more must elapse before the work of re-organizing the Endowed Schools could be completed, and before that time some of the schools which had already been dealt with by schemes would require to be dealt with afresh, so as to amend and remove defects that were not foreseen when the schemes were originally framed. It had become quite obvious that something more must be done to improve the secondary education of the country; and he thought he was entitled to ask the Vice President of the Council (Mr. Mundella) the causes which had made the progress in the work of re-organizing the Endowed Schools so exceedingly slow.

The matter was one of the highest importance, because it could not be forgotten that the education of the country, as far as it did not depend on the small number of public schools which existed, mainly depended upon these Endowed Schools. It was they which should set the standard of education for the middle class schools of the country, which should give a better tone to the people, and in all respects act as models for the schools at which the children of the middle classes received their education. But that could not be done without introducing change into the generally obsolete regulations under which these schools were managed, or without the framing of such schemes as the Endowed Schools Commissioners has been directed to frame. He did not propose to enter into details upon the question as one of the educational policy of the country, or to inquire to what extent it was that the Endowed Schools were defective. It was well known that there were great deficiencies in the present working of the system; and he asked from his right hon. Friend the Vice President of the Council an explanation of the cause to which he attributed this slow progress and the measures he proposed to take in order to remedy this great evil. The Act under which the Endowed Schools Commission was now working would expire next year; and it would consequently be necessary, during next Session of Parliament, to bring in a measure which should renew the Commission, and endeavour, if possible, to set it going anew with greater locomotive power. The present time was, therefore, opportune for calling attention to the defects of the system which now existed, and for endeavouring to obtain some pledge from the Education Office that something would be done to remedy those defects, and bringing the whole matter before the country with the view of passing a satisfactory measure of reform during the ensuing Session. He would not anticipate what the Vice President of the Council would have to say to the position of the staff; but he would point out that one result of the policy adopted in 1874 had been to throw the Endowed Schools Commission into the hands, and place it under the control, of the Charity Commission. It was well known that the Endowed Schools Commission, between 1869 and 1874,

went on faster than was conformable with the policy of the Party which came into power in 1874. It was the evident wish and desire of the Conservative Party to put a drag on the wheels of the Commission. The Commission at that time consisted of three able and eminently qualified men. At the head of it was the late Lord Lyttelton, of whom he spoke with the greatest respect as a Nobleman, thoroughly competent to deal with the work of educating the country, and who had greatly identified himself with it. The next Commissioner was Mr. Roby, who was also a man of great ability, and equally devoted to the cause of education; and the last was the Rev. Canon Robinson, who, fortunately, still continued on the Commission. In 1874 those three gentlemen were replaced by a new Commission, consisting of two only, one of whom was Canon Robinson, while the other had had no previous experience, who did the work as well as could be expected, but in whose hands the work of the Commission advanced much more slowly. This gentleman had since quitted office. He (Mr. Bryce) did not make any accusation against him; but he cited the substitution of this Commissioner for Lord Lyttelton and Mr. Roby as a reason why the work of the Commission must have gone on much less quickly and efficiently, and he cited it in the hope that some step would now be taken to remedy the mistake then made by adding to the number of Commissioners directly connected with the Endowed Schools. The amalgamation of the Endowed Schools Commission with the Charity Commission had the effect of making the question of the Endowed Schools one of secondary consideration. It was thought at the time that the Charity Commissioners would be able to devote some of the spare time and labour at their disposal to the work of the Endowed Schools Commission; but he believed he was right in saying that they had found it impossible to do so. The work of the Charity Commission itself was constantly accumulating. It was very important work, and it was becoming more important owing to the increase of the number of charitable foundations which were always growing; and, owing to that fact, the progress of the schemes under the Endowed Schools Act had been slower than might otherwise have been the case, because the

schools, when re-organized, were constantly coming to the Charity Commission asking to have orders made, and the Charity Commission was occupied in meeting their needs. The consequence was that the three Charity Commissioners, who had done their work with a considerable amount of public spirit, found that they had no time to spare for the work of the Endowed Schools, and the Endowed Schools' work had been intrusted entirely to the two Endowed Schools Commissioners, who were far too few in number to grapple with the large mass of work they were required to perform. There was a further evil in the limited powers which the Endowed Schools Commission enjoyed. In place of inspecting the schools—he did not mean executing an individual inspection, because that could be properly done by Examiners—but he meant that where a scheme had been framed it might be found, after it had been at work for some years, that it was not working satisfactorily, either owing to some defect in the scheme itself, or some want of heartiness on the part of the trustees in carrying out the scheme—in place of exercising a supervising inspection over the schools, the Endowed Schools Commissioners found themselves unable to ascertain how the work was going on, and could make no provision for remedying the defects of any scheme unless they were prepared to go the length of drafting a new scheme. It was very desirable that powers should be given to them to send down the Assistant Commissioners, who were highly competent men, to examine into the working of the schools, for which schemes had already been framed, to report on that working, and that the Endowed Schools Commissioners should then be authorized to make such alterations in the existing schemes as they thought necessary without going through the long and complex process of framing an entirely new scheme. Further, there were many places which were entirely wanting in Endowed Schools. The most ancient towns in the country generally had endowed grammar school foundations; but there were a number of towns of enormous growth, and some of them even old towns, which were destitute of these schools, and very much wanted them, because it was found that private enterprise did not come forward with suffi-

cient promptitude to supply the wants which these endowments covered. They were, consequently, left to the mercy of private adventure schools; and he believed that every hon. Member who was acquainted with such schools would say that there were very few of them indeed which were fit to give a proper education to the children of the middle classes. The masters, as a rule, had neither the experience nor the skill which enabled them to do the work which might fairly be required from them. The remedy would seem to be to employ the Endowed Schools Commission to apply other charitable funds not heretofore devoted to education to educational purposes. An attempt was made to do that under the 30th section of the Endowed Schools Act of 1869. Under that section, the Endowed Schools Commission, in the case of various specified charitable foundations, were to apply the money which was being spent to charitable purposes in connection with education, provided they received an application for that purpose from the Governing Body of the charitable foundation. He need hardly say that it was only in comparatively few cases that the power was acted upon, because, as a rule, the trustees of these charitable foundations were very far from being enlightened men, and were not aware that, to a great extent, the purposes to which these charities were applied were really pernicious. Take the most obvious case of all—the case of dole gifts. An enormous sum of money was distributed annually all over the country in the shape of doles—tens of thousands a-year. Indeed, he should not be surprised to find that a sum amounting to £100,000 or £120,000 a-year was spent in doles—small gifts of bread, coals, clothes, blankets given away, often to people standing at the church door, and, generally speaking, given away by the trustees on their own unaided responsibility. No one who had studied the subject, and paid any attention to the condition of his fellow-townsmen, would fail to know that gifts of this kind were an unmixed evil. Personally, he did not know of one case out of 10 in which they did any good; and, in the great majority of cases, they did serious harm. But, unfortunately, the trustees of these funds were so much under the belief that they had no right to devote them

to purposes other than those originally prescribed by the founder, that even in cases where they confessed that the charitable funds as now applied were doing harm, they could not be induced, in their corporate capacity, to make an application to the Endowed Schools Commission to devote the fund to educational purposes. The consequence was that the money, worse than if it remained absolutely idle, was positively doing harm. Many years, however, must elapse before public opinion would be sufficiently enlightened to induce the trustees to make an application to the Endowed Schools Commission, on their own motion. In that state of things, it would appear to be necessary to enlarge the powers of the Endowed Schools Commission, under Section 30 of the Act of 1869, and give them the initiative in the matter. Power should be given to them, where they were satisfied, on competent evidence, that a charitable foundation of this kind was doing mischief, to apply it to educational purposes. He was far from saying that this power should be given without control. He was fully aware that a good deal of jealousy was felt in the country as to the action of the Charity Commissioners. He had heard it constantly said that this was a proposal to hand over the charities of the country to two or three gentlemen sitting in Whitehall; but he believed that two or three gentlemen sitting in Whitehall were much more likely to do good with them than the large number of irresponsible trustees who existed throughout the country, and who had never considered the matter from the large point of view of those who had gained their experience through the working of the Charity Commission. The state of feeling was undoubtedly such that it would become necessary, in the event of handing over extended powers to a Board in London, to surround their action with numerous safeguards. Nobody would contend that the power given to the Charity Commission or the Endowed Schools Commission should be an absolute power, and it must be accompanied with a power of reference or appeal in the event of discontent being excited. Moreover, it might be generally felt that it would not be proper to take funds which were originally given to the poor and apply them entirely for the benefit of

the middle class. In a case where an endowment originally given to the poor was applied to the purposes of secondary education, it would be proper to require that a number of free places—places accessible to the poor—equivalent to the advantages taken, should be reserved. The ultimate advantage would be that while they gave benefit to the poor they would also give benefit to the town generally, by establishing a higher class education than private adventure schools were now able to give. The last point he wished to mention had reference to the education of girls. The Endowed Schools Act of 1869 directed the Endowed Schools Commission to make provision for extending the education of girls. The Commissioners in their Reports stated that they had been able to do much less than they expected, and much less than the House expected, when this power was originally given. The cases in which they had been able to establish girls' schools had been comparatively few; and of the total amount of money applied to educational purposes that applied to the education of girls as compared with boys had been a lamentably small percentage. It was hardly necessary to point out to the Committee that the education of girls was rendering, in reality, quite as great a service to the community as the education of boys. When they taught those who were to become their next generation of mothers, they were doing the best thing they could for the education of the coming generation itself. It was, he thought, very much to be regretted that a far more adequate provision had not been made for the education of girls. He believed that the Commission had been met in some cases by a little opposition in the efforts they had been desirous of using in this direction; and, therefore, he thought there should be a stronger direction from Parliament than any that had hitherto been given for making proper and adequate provision for the education of girls. Those were the evils of which he complained, and which he hoped the right hon. Gentleman the Vice President of the Council would, next Session, see occasion to remedy. He had already pointed out what appeared to be the chief remedies required—namely, the strengthening of the staff of the Commission, the enlargement of their powers, the propriety of

giving them the initiative in cases where it was desirable to apply charitable endowments to educational purposes, and a more specific direction on the subject of the education of girls. Before sitting down he wished to ask the Committee to consider seriously the great importance of the question, and to express in some way their feeling that next year it ought to be dealt with by the right hon. Gentleman the Vice President of the Council in a bold and sweeping measure. Instead of keeping on the Commission for a few years longer, dealing with the Endowed Schools in a manner which could only be temporary, it was desirable that it should be rendered permanent and strength given to it. It must not be forgotten that great educational institutions like Dulwich College and Christ's Hospital were still asking for new schemes, although many years had not elapsed since the schemes upon which they were at present worked were framed. They were two magnificent institutions, with ample revenues, and yet they could not be properly worked, because the Commissioners had not had time to deal with them. In that state of facts, considering the great importance of the Educational Question, and how dependent it was upon the action of the Endowed Schools, considering that England was far behind every other civilized nation in Europe in regard to intermediate and secondary education, considering that some reform, although far from adequate, had been introduced into our system of University education, it was not right that the Endowed Schools should be left longer untouched; and it was not too much to say that the question was one of the most important that could engage the attention of Parliament and of the Government.

MR. MUNDELLA: At this late hour of the night, and considering also the late period of the Session and the necessity of making progress with Supply, I will not detain the Committee long in answer to the able and interesting speech of my hon. Friend. I have no fault to find with the statement he has made. I am sorry to say that I agree with its general accuracy. There is, no doubt, a general feeling of anxiety and dissatisfaction at the slow progress made with regard to Endowed Schools in England. But I do not think it is necessary to lay any blame at the door of the Commis-

sioners for this. The real fault rests with the Act of 1874. I think that the passing of that Act was a great misfortune for the education of this country. It had the effect of reducing the number of Commissioners devoted to the work of the Endowed Schools from three to two; it merged the two Commissions—the Charity Commission and the Endowed Schools Commission, into one; and it made it necessary that every scheme should be considered at a meeting of the Board when the Chief Commissioner was present. The result was, that you increased the difficulty of dealing with the question, and you practically brought down the work to the narrowest possible limits. Now, the work of the Charity Commission itself is a very largely increasing work. For the last 20 years it has been going on augmenting at a rate that makes it quite sufficient for the Commission to deal with without undertaking the work of the Endowed Schools in addition. The two previous Chief Charity Commissioners—Mr. Peter Erle and Sir James Hill—found the work more than they could well get through; and I understand that it was the anxiety displayed by Sir James Hill to accomplish, with one Commissioner, the work of two, that aided very materially in bringing about his death. He found the labour was far more than he ought to undertake. To show the increased nature of the work of the Charity Commission, perhaps the Committee will allow me to point out that in 1861, 207 orders were made by the Commissioners. In 1862 the number had increased to 280, and it has been going on augmenting ever since until last year, 1880, it reached 444 schemes. That represents the charitable work alone; but let me point out what the amount of stock transferred has been. It began with £6,360 in 1854, and it now amounts to £11,443,000, of which £1,500,000 has been invested, so that, in round numbers, a sum of £10,000,000 has been transferred. Every transfer has to be brought before the Board, and, of course, a large amount of additional work is necessarily devolved upon them. The Commissioners themselves, in their last Report, speak of the increase of the work. My hon. Friend has urged the importance of strengthening the staff of the Commission; and we have pointed out in our

24th Report the amount of labour which the effective regulation of the public interest in the Parochial Charities of the City of London would require. My hon. Friend himself brought in a Bill this Session which most Members will regret he was unable to pass dealing with the Parochial Charities of London. If it had passed, it would have done much to increase the work of the Charity Commission. The result of placing on the Commission the double work of the Charity Commission and the Endowed Schools Commission has really been to block the progress of the two Commissions, and to hinder effective dealing both with the Charity Commission work and the work of the Endowed Schools Commission. I will point out to the Committee how the Endowed Schools Commission stands now. Since the year 1869, the amount regulated by new schemes in a period of now nearly 12 years has been £294,000 per annum, and there remains still to be dealt with of educational schemes more than £340,000 per annum, in addition to a number of other endowments which are only partly educational. It is, therefore, not unreasonable to say that it will take a quarter of a century, at the present rate of progress, to deal with the educational endowments of England alone. In the present state of middle class education, I would ask the Committee if that is at all a satisfactory state of things? As my hon. Friend has stated, we were told in 1869 that in the course of six or seven years we should have dealt with the whole of the educational endowments of the country. We have now reached the year 1881; and at the rate of progress we are now making it is still contemplated that it will take a quarter of a century before the work is completed. The matter is too serious to be passed over lightly, and some effectual means must be devised for dealing with it. I believe it is the fact that many of the schemes already passed now urgently stand in need of revision; and, owing to the want of inspection and examination, many have not been put in operation. Indeed, there seems to be no sort of control over those which the Commission have passed. The Commissioners ask, in their last Report, that there should be examination and inspection; and I must say that the way in which that Report was denounced in "another place" was most extraordinary. It was one of

the most astonishing things I ever heard of in the course of my life. All that was asked for was what was reasonable to carry into full effect the schemes framed by the Commission; and it was one of the most extraordinary statements ever made that the Commissioners desired to constitute themselves into a roving Commission, in order to deal with all the charities all over the country. All the Commissioners asked in their Report was that they should have the means of examining the working of the schemes after they have framed them, in order to see whether they are put fairly into operation. They further proposed that they should have power to inspect the schools once in three years, in order to see that they were doing their work satisfactorily. Every hon. Member will recognize how important the inspection of the schools is as an educational matter. I think that there should be a periodical Report as to the working of the schools, showing what their condition is, and how they compare with one another. I know myself of various schools in regard to which schemes have been framed by the Commission; but, because there has been no inspection and no examination within the last 10 or 11 years, some of these schemes, which started very well, and began to do noble work, are now falling into disuse and decay. All I can say now is that the whole question must be dealt with in the coming year. The only desire of Her Majesty's Government is to promote the true interests of the education of the country. We only desire that what is given through the means of these charitable endowments shall be useful to the poor as well as advantageous to the children of the middle classes. I trust that during the Recess, seeing that we are bound to consider the subject, and that the Commission must be renewed, or a new Commission appointed in the coming year—I trust that we shall be able to devise some measure that will, while consulting the interests of the schools themselves, afford adequate means for their examination, and utilize the vast endowments of the country in the promotion of the higher education of the people, and in opening up the means of education to poor and clever children.

MR. W. H. JAMES said, he heartily and cordially agreed in much that had fallen from his hon. Friend the Member

for the Tower Hamlets (Mr. Bryce); but, at the same time, he regarded with some reluctance the proposal to give larger powers to the present Charity Commission. The statement of the right hon. Gentleman the Vice President of the Council as to the intention of the Government to deal with the question next Session was entirely satisfactory; but he was anxious to point out to the right hon. Gentleman the desirability, when the subject was taken up by the Government next year, of not going too far in the direction of centralization. They must all remember the vigilance of the opposition that was brought to bear on the Endowed Schools Commission which was dispossessed in 1874; and, at the same time, it must be borne in mind that in a great number of these local questions there were a great many local prejudices to consult which required a certain amount of local knowledge, and with respect to which a board in London would find itself incompetent to deal. He wished to point out to his right hon. Friend that when the Government took up the question, they ought, as far as possible, to give to the local authorities in various parts of the country powers analogous, or to some extent analogous, in dealing with Charities and Endowed Schools, to those possessed at the present time by the Charity Commission. By that means, he thought they would be able to get rid of a great deal of the local prejudice and intense local irritation which reduced to a wreck the great measure passed in 1869. If the hour of the night had not been so advanced he would have wished to say a few words from his own personal knowledge in regard to the great Endowed Institution in London, in respect of which he was a Governor—Christ's Hospital. But at that late hour he would not interfere with the course of Public Business further than to say, without desiring in the least to impute motives to the Governors of Christ's Hospital, that nothing could be more unsatisfactory than its present condition in regard to the relations between the Governing Body and the Charity Commission. He hoped his right hon. Friend would bear these remarks in mind when he came to deal with the question next year.

MR. DONALDSON-HUDSON said, he rose for the purpose of thanking the right hon. Gentleman the Vice President

of the Council for the promise he had held out to the House and the country that some system of inspection would be carried out in future in regard to the middle class schools. Having been Chairman of the Governing Body of a small Endowed School in the country, he could bear his testimony to the fact that one of the greatest difficulties the Governors had to contend with was the difficulty of getting their schools properly examined and inspected from time to time. One of the schools with which he was connected, although it had only a small income, educated 100 children. There was another point that was also of importance, and that was the selection of teachers. He and his colleagues, as Governors of an Endowed School, had not had the assistance of the Education Department in the training, selection, and nomination of teachers. They were very much at the mercy of any persons who proposed to go to them for the somewhat low fees they were able to pay. He therefore hoped, through the operation of some measure for the registration of teachers, or in some other way, it might be practicable to provide means for affording the Governors who had the management of these schools an opportunity of knowing where to apply to for thoroughly competent teachers. As far as his own experience went, these were the two great difficulties in the management of Endowed Schools—namely, the selection of teachers and the securing of an efficient inspection.

MR. BRYCE said, that after the satisfactory statement of his right hon. Friend the Vice President of the Council, he would only venture to express a hope that the right hon. Gentleman would not only bring in a satisfactory measure next year for dealing with the Endowed Schools Commission, but that he would also be able to deal with the Charitable Trusts Bill.

MR. J. G. TALBOT thought that one or two inaccurate statements had been made on the other side of the House. The hon. Gentleman who introduced the subject (Mr. Bryce) made a very able speech, to which he had listened with great interest; but the hon. Member did not seem to recollect the whole history of this important transaction. The hon. Gentleman spoke of the slow progress which had undoubtedly been made, and which he (Mr. Talbot) would be one of

the last to deny. He was very sorry that the progress had not been greater; but he thought it ought not to be forgotten that the slow progress did not entirely date from the year 1874. The first legislation upon the subject took place in 1869, and it was then expected that the work would be completed in four or five years. But, notwithstanding all the energy of the gentlemen who constituted the Endowed Schools Commission—of whose energy, ability, and integrity there could be no doubt—when the year 1874 arrived the work had not been half done. Indeed, it was not much more than one-quarter done. Therefore, while not wishing to extenuate the slow progress which had been made altogether, he did not think it was fair to put the whole of the blame upon the progress which had been made since 1874.

MR. BRYCE said, he had no intention of imputing blame to the present Board for their action in the matter. All he wished to say was, that the progress had been even slower since 1874 than it had been before.

MR. J. G. TALBOT said, the explanation of the hon. Member set the matter right; but without such explanation anyone hearing his speech, or the statement of the right hon. Gentleman, would have fallen into the error of supposing that the Commission, which had been in charge of the Endowed Schools since 1874, were solely to blame for the slow progress which had been made. He now wished to ask the attention of the Committee to a point raised by the right hon. Gentleman the Vice President of the Council. The right hon. Gentleman seemed to imply that when the Conservative Government came into Office in 1874 they had a desire to retard the work of the Commission. Now, he did not know what the motives of the Conservative Government might have been when they entered upon Office; but he did not believe that anybody wished to retard the progress of the work of the Commission. All he knew was, that some Members of the House wished to put that progress on a slightly different basis in regard to control. That might have been wise or it might not; but the desire was not alone confined to the Conservative side of the House. It was a point that gave rise to serious deliberation. The late Government wished that

the progress of the Commission should be greater, but without undue friction with the prejudices—or call them what they liked—of the persons who had charge of institutions. He did not see the right hon. Gentleman the Chief Secretary to the Lord Lieutenant in his place; but he was Chairman of the Committee which sat in 1869 upon the subject, and he would agree that this was one of the points the Committee were most anxious to consider. He (Mr. J. G. Talbot) did not think it would have a brightening effect upon the country generally if it was now to be understood that on reconsidering the question of the Endowed Schools Commission they were going to re-open the difficult question of non-educational endowments. It was, no doubt, true, as the right hon. Gentleman the Vice President of the Council said, that many of these charities had been greatly abused, and that the system of doles had been, on the whole, unwisely administered. But, on the other hand, he thought it would be a very startling thing if it were to go forth from that Committee—and he had risen to enter his humble protest against the acceptance of the suggestion—that there was any intention of diverting the funds which had been designedly left for the benefit of the poorest classes of the community to objects that were, after all, for the education of the middle classes only. It might be wise to do something in that direction; but the proposition of the hon. Member for the Tower Hamlets was simply this—that the Charity Commission, or the Endowed Schools Commission, whichever body was to act in future, should have the power of initiating, in regard to these doles, whether the managers of them wished to deprive them of their present character or not, a scheme which should have the effect of making them educational endowments. By that means, funds which had been left for the benefit of the very humblest portion of the community, although it might be in a mistaken and misguided manner, would be taken away from those it was intended to benefit, and applied to the education of the middle classes. That, he thought, would be a very dangerous course to take, to say the least of it. There was only one more remark he would venture to make on the matter, and it was this—the right hon. Gentleman the Vice President of the Council

Mr. J. G. Talbot

spoke of the question as one which must engage the attention of Parliament next Session. It was obvious that as the Act must expire next year something must be done in that direction; and, that being so, he would earnestly press on the Government that it would be unwise to make an alteration in this important question, either by constituting a new Commission, or arming the existing Commission with increased powers, without full and deliberate consideration. The constitution of the original Commission was made the subject of a careful inquiry by a Committee of that House; and it would be wise, if it was intended materially to alter the conditions under which the Commission was to work, to institute a fresh inquiry next year, either by means of a Royal Commission or of a Committee of that House. With regard to the question of amalgamation, it was said that harm had been done by uniting the Endowed Schools Commission with the Charity Commission. It might have been so; and the right hon. Gentleman the Vice President of the Council had given them some important statistics as to the increased work which had fallen upon the Commission. That was a matter which probably ought to be determined before they renewed the connection between the charitable work and the educational work; but it was only fair to the late Conservative Government to say that, although they were often charged with extravagance and lavish expenditure, this was an attempt to amalgamate two Commissions, and if it had not proved successful, at any rate it was an attempt in the direction of economy. Personally, he should certainly not stand there as an obstructive of any well-considered change; but he hoped it would not go forth to the country without challenge that any fundamental alteration should be made without due and careful consideration.

MR. THOROLD ROGERS wished to say a word in answer to the remarks which had fallen from the hon. Member for the University of Oxford (Mr. J. G. Talbot). As far as he knew, there had never been a case in which any charitable endowment had been deviated in the direction of education without coupling the educational scheme with machinery which enabled boys to rise from the national schools to the gram-

mar schools. He knew of one case, in Bristol, in which the change took precisely that form, and the endowment was made the means of promoting boys from the national schools into the Bristol Grammar School. The same sort of thing had happened in the City of Oxford. Some doles had been left for purposes that were entirely obsolete, and they were taken away and given to the grammar school; but provision was made by means of which boys from the lowest stratum of society in Oxford were enabled to enter the grammar school. As a matter of fact, every hon. Member knew that all the Endowed Schools of the country had been originally intended for the poor.

MR. BRYCE said, the hon. Member for the University of Oxford (Mr. J. G. Talbot) had fallen into an error. He (Mr. Bryce) had not intended to imply that any of the funds now given to the poor should be taken away from them and given to the middle class. To the best of his belief he had stated distinctly that, in taking the initiative, the Commission should be restricted by ample safeguards, and that equivalent advantages should be secured to the poor.

MR. FINIGAN asked whether anything had been done since last year with regard to Jackson's Trust Fund?

MR. MUNDELLA said, he was unable to answer the question of the hon. Member at the moment; but if he would make an application inquiries should be made.

Question put, and *agreed to*.

(2.) £13,798, to complete the sum for the Civil Service Commission.

MR. ARTHUR O'CONNOR inquired as to the amount of fees paid by candidates at the Army examinations?

MR. W. H. JAMES said, that nothing could be more unsatisfactory, or even scandalous, than the present system of conducting military examinations. He believed that on the last occasion of the examination in connection with the Woolwich Military Academy there was in the morning a concert and in the evening a recital in the Hall where the examinations were conducted, which could not but interfere very much with the proceedings. He had always been in favour of the system of competitive examination; but it seemed to him very

difficult to attain to a proper standard in the examinations if such a state of things were allowed to continue.

MR. CHILDERS said, he had strongly pressed upon the authorities that they should take steps for obtaining better accommodation for the purpose of these examinations; and he trusted that his representations would this year lead to a more satisfactory arrangement. The Commissioners of Works had sought for a room more adapted for the examinations; but, up to the present, unfortunately, they had not been able to meet with one in which a sufficiently large number of persons could be provided for. The Government were, however, fully alive to the position of affairs.

MR. THOROLD ROGERS asked why the fees for the Civil Service of India examinations were paid into the India Exchequer?

MR. CHILDERS said, that the question was about to be taken up by the Government.

LORD FREDERICK CAVENDISH said, he would make inquiries, before the Vote was reported, on the question of the amount of fees payable by candidates at the Army examinations.

Vote agreed to.

(3.) £9,466, to complete the sum for the Copyhold, Inclosure, and Tithe Commission.

(4.) £4,425, to complete the sum for the Inclosure and Drainage Acts, Imprest Expenses.

MR. ARTHUR O'CONNOR said, that this Vote was one of several instances of the public money being advanced and not repaid. There was a note relating to this charge which said that the whole of this Vote was a temporary advance, which was to be repaid to the Exchequer when the works of inclosure and drainage were completed. But the fact with regard to this Vote was that, although a considerable sum was annually repaid, it did not amount to the whole sum advanced; and, therefore, the amount of the arrears increased rapidly. The matter had already been before the Public Accounts Committee, who had urged a reduction of the arrears, but, up to the present time, without success. In the year 1878 the noble Lord the Secretary to the Treasury (Lord Frede-

rick Cavendish), and in 1880 the hon. Baronet the Member for Midhurst (Sir Henry Holland), as Chairmen of the Public Accounts Committee, had both inquired into the subject; and in reply to the inquiry as to whether any arrangement had been made for providing the Comptroller and Auditor General with particulars to enable him to report to Parliament the progress made with regard to these loans, an answer was sent by an official to the effect that he regretted to say that he could not report that any arrangement had been made. The Committee would be aware that the Comptroller and Auditor General was an officer specially appointed by the House to investigate questions of this nature; and yet it was found that the very materials necessary for his investigations were withheld from him. As he had pointed out, the Public Accounts Committee had expressed regret at the delay that had taken place, and pointed out that the question was one which ought to be settled as soon as possible. The subject had been before the Committee again in the present year, and it was stated at last that the Commissioners had furnished some accounts of a fragmentary character, and that a satisfactory examination of accounts was hoped for in the future. He regarded this as scarcely a satisfactory state of affairs. As a matter of fact, this Vote was not merely a temporary advance, because it was perfectly certain that a great deal of the money could not and would not be recovered. Although it was certain that there would be a loss, it was uncertain what the amount of loss would be; and he questioned whether the noble Lord, on the part of the Government, could tell the Committee the amount of money which had been advanced, the amount which had been repaid, the amount which was still outstanding, or the amount which would have to be wiped off as an irrecoverable arrear, and charged against the country. He regarded this case as a fair illustration of the statement that the system of advancing money to be recovered, if possible, from parties who were not in a position to repay it was an unsound one.

LORD FREDERICK CAVENDISH pointed out that more than £8,000 had been repaid last year, and that the net loss was about £800.

Vote agreed to.

Mr. Arthur O'Connor

(5.) £27,233, to complete the sum for the Exchequer and Audit Department.

MR. ARTHUR O'CONNOR said, that, notwithstanding the importance of the duties of the Comptroller and Auditor General, that officer, unfortunately, did not receive from the Public Departments, whose Accounts he had to examine, that assistance which it was desirable he should have. There was probably no Department of the Public Service whose Accounts would be more improved by a careful overhauling than the War Office; and yet the audit which the Comptroller and Auditor General was able to give of the Accounts of that Department was little more than an appropriation audit. Even the first Army Vote had never yet been examined in detail, but only partially, by the Comptroller and Auditor General; but the Committee would see the immense advantage of having a careful and detailed examination of that expenditure by an independent body. He would merely point to one item, the Stock Purse Fund of the Guards. For 25 years that House had voted something like £6,000 annually for the Hospital and Recruiting Service of the Brigade of Guards in perfect ignorance that the money was not used for the purposes for which it was intended, but that it found its way into the pockets of the officers of the Brigade, and that the hospital and recruiting expenses were paid for out of other moneys. Under that system the officers of the Guards had divided amongst themselves since the Crimean War a sum of money which, in the aggregate, amounted to £150,000. But directly the Comptroller and Auditor General got a hold upon the Army Votes, that system had entirely disappeared, the War Office authorities having found it necessary to admit that the money had not altogether been applied to the purposes for which it was voted. There were, it appeared, certain allowances to the officers carefully veiled in the Returns furnished, and which were for a long time kept from the knowledge of the public, but which appeared in the Army Estimates as now drawn up. He mentioned this case as an illustration of the immense advantage in the way of preventing jobbery which resulted from an independent investigation by such an officer as the Comptroller and Auditor General. But,

apart from that, there was a system of audit in the War Office which had this great weakness about it, that every Departmental Auditor was obliged to pass charges which he himself might know to be wrong—that was to say, where the money, as in the case he had referred to, did not go for the purpose intended. The charge was covered by the authority of the Secretary of State, and he was a subordinate of the Secretary of State. The audit of the War Office was a perfect farce, there being no independent audit at all; and those who knew the details of the Service knew that the Audit Department should be handed over in its entirety to the Comptroller and Auditor General, and placed in a position of independence so far as the War Office was concerned. He would not go into other matters in regard to the work of the Comptroller and Auditor General; but it struck him (Mr. A. O'Connor) that there were a great many accounts which it would be well to have audited by the Comptroller and Auditor General. He did not know whether the Metropolitan Police Accounts could properly be submitted to him for the purpose. He did not think they were audited by that official; but, at any rate, there were a good many accounts that escaped him which ought not to do so. There was an item on the Paper which struck him as being very singular—namely, £25 for the purveyor of luncheons. He could not, for the life of him, imagine why a man who entered into a contract to supply refreshments should be allowed a money grant, seeing that he made fair charges, had gas and coals for nothing, and lived rent free. He (Mr. A. O'Connor) thought it would be a very reasonable thing to reduce the Vote by £25.

LORD FREDERICK CAVENDISH said, he would not follow the hon. Member into many of his statements concerning the audits, as this was not a favourable opportunity for the discussion. He was glad to be able to say that the best audit was now being applied to the Department mentioned. As to the sum of £25, an injustice would be done if it were not granted.

Vote agreed to.

(6.) £3,086, to complete the sum for Friendly Societies Registry.

Resolutions to be reported.

Motion made, and Question proposed.

“That a sum, not exceeding £330,173, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Local Government Board, including various Grants in Aid of Local Taxation.”

MR. R. N. FOWLER said, this was a grant in aid of local taxation; and as there were several Amendments and a great deal of discussion would take place, and as it was already a quarter to 1, he would move to report Progress.

Motion made, and Question proposed, “That the Chairman do report Progress, and ask leave to sit again.”—(Mr. R. N. Fowler.)

LORD FREDERICK CAVENDISH said, that, under ordinary circumstances, it would be advisable to report Progress at that time of the night; but they had now arrived at the end of July and the beginning of August, and had only passed a few Votes in Supply. He thought, therefore, they should go on a little longer.

SIR GEORGE CAMPBELL said, an hon. Member opposite had an important Scotch question to raise on that Vote—a question in which the people of Scotland took great interest. It was undesirable that it should be debated at that time of night; therefore, he trusted the Government would agree to the Motion.

MR. R. N. FOWLER said, he presumed they would have all Monday night for the Estimates, and the noble Lord would then be able to get a good deal of money. Under those circumstances, and seeing, as had just been stated, that an important question was to be raised on the Vote, it was not unreasonable to ask that Progress should be reported. There were 17 Orders of the Day; and, as one or two of them involved important questions, the House should be allowed some little time to go through them.

LORD FREDERICK CAVENDISH said, that nearly all the Orders of the Day were blocked. He would not propose to take the Vote upon which, as it was said, an important question was to be raised; but he would appeal to his hon. Friend to allow them to take what Votes were not opposed.

MR. J. G. TALBOT said, that, looking at the period of the Session, it was

not unreasonable on the part of the Government to ask the Committee to go on a little later.

MR. RYLANDS said, that, having regard to the fact that they had now nearly reached the period at which it was usual to end the Session, and at which shooting commenced, hon. Members ought to assist the Government to make progress with Supply, even at some personal sacrifice. He would, therefore, ask the hon. Member for the City of London (Mr. R. N. Fowler) to withdraw his Motion. It would be possible to dispose, at any rate, of a few Votes to-night.

MR. O'DONNELL would undertake to say that that was the first time in his Parliamentary career that the hon. Member for Burnley (Mr. Rylands) had suggested that they should hurry over their Business in order that they might go to shoot. He (Mr. O'Donnell) was at a loss to suppose what had produced so marked a change in the hon. Member. There had been references made to the lateness of the hour at which the important question with which that discussion commenced—namely, that on the Endowed Schools system—was taken, and on that point he could say that a great many Members who had observations to make had refrained from making them because it was too late. They were now asked, at a still later hour, to go on with the discussion of the Estimates and vote public money. He did not think, from the hour and the time they had been sitting, that the Committee were in a position to discriminate between the Business which was so unimportant that it might be safely hurried over and the Business that was so important to deserve attention and full discussion. The real Business was the voting of Supply; and unless hon. Members had a fair opportunity of scrutinizing the channels into which the money was to go, even by the present most virtuous of Ministries there might be reckless and ill-considered expenditure.

MR. ARTHUR O'CONNOR: You, Mr. Playfair, have put this Vote from the Chair, and I wish to ask you whether it is possible to withdraw it in order to take unopposed Votes? I would remind you, Sir, that on a previous occasion you ruled that a Vote, having been put, could not be withdrawn.

THE CHAIRMAN: A Vote cannot be postponed by a Motion; but if the Government desire to withdraw a Vote they can do so.

MR. LABOUCHERE said, that some hon. Members seemed to think that there were only two things to be done at this period of the year—either to sit here, or shoot partridges. So far as he was concerned, he should shoot nothing; but he did not want to sit in the House of Commons beyond the month of August. If they did not take Supply up to a later hour than this they would assuredly have to sit into September. The next Vote was for the Lunacy Commission of England, and he did not suppose that any hon. Member from Ireland or anywhere else intended seriously to oppose that Vote being granted; therefore, he would ask the hon. Member to withdraw his Motion, and allow the Business to be proceeded with.

MR. O'DONNELL: Does the hon. Member for Northampton suggest a certain connection between the Vote he speaks of and the hon. Members who desire to carry on Business beyond a certain hour?

MR. LABOUCHERE: Yes.

MR. A. MOORE said, that if Progress were now reported they would get through a large number of Votes on Monday, as there would be no delay, such as there was now, over the unopposed Votes.

MR. RAMSAY appealed to the Committee to allow unopposed Business to be taken for a short time.

MR. ARTHUR O'CONNOR said, it appeared to him that hon. Members opposite who were interested in Votes not yet reached were exceedingly anxious that they should get over these intermediate Votes as soon as possible, and then report Progress, so that, at the next Sitting, the proposals they wished to discuss should come on without delay, and they should have an opportunity of making their elaborately prepared speeches at a time at which they would be reported. These hon. Members had regard only to their own personal convenience. The Committee, however, were concerned in the administration of the public funds. There was no Vote here that was not a contentious Vote. Hon. Members seemed to think that the English Lunacy Vote was not one in which Irish Members could take any interest;

but to show them that this was not the fact, he had here four pages of notes from the Reports of the Lunacy Commissioners, and four columns of notes from various reports from the medical authorities concerning the treatment of lunatics in this country cut from *The Lancet*. He thought it was not at all difficult to show that, in many respects, the Lunacy Commissioners of England had not done all that they might have done in their office. He, therefore, objected entirely to the statement that the Lunacy Vote for England was a non-contentious Vote. He would defy any hon. Member to mention a single Vote in Class II. which was a non-contentious Vote.

MR. BIGGAR said, he had had considerable experience of similar wrangles as to reporting Progress, and he had noticed this—that the Government were always in the wrong, and only wasted a good deal of time and expended a good deal of heat unnecessarily, and without doing good to anyone. It was looked on as an established rule that no public money should be voted after half-past 12 o'clock at night, and he did not see why that rule should be set aside now. It would be a saving of time for the Government to give way, for the unopposed Votes would be got through as rapidly as possible on Monday, whereas now they would lead to continued wrangling. They had already wasted more time than it would take on Monday to go through them. The Government would have in the end to give way. They seemed to think that time was valuable at 1 o'clock in the morning; but they evidently did not attach much value to the early part of the day, otherwise they would not, at 4 o'clock, come down and read long speeches in reply to questions. He would not name any individual Minister; but they all knew that this sort of thing was done. And now, when hon. Members wanted to go to bed, the Government made a great point about getting rid of non-contentious Votes. Her Majesty's Ministers evidently wanted to get Business disposed of and Bills passed at an hour when they could not be carefully examined into or fully criticized, and when hon. Member's speeches could not be reported in the papers. This sort of thing might be very pleasantly carried on, no doubt, if there was no opposition in the House.

VOL. COLXIV. [THIRD SERIES.]

Question put.

The Committee *divided*:—Ayes 16; Noes 73: Majority 57.—(Div. List, No. 344.)

Original Question again proposed.

Motion made, and Question proposed,

“That a sum, not exceeding \$8,196, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Office of the Commissioners in Lunacy in England.”

COLONEL ALEXANDER said, he and several other Members had been sitting on a Committee from 12 o'clock to 4, and almost incessantly since then they had been in the House. They wanted now to go to bed, and he thought it perfectly absurd that a Vote of public money should be taken at 1 o'clock in the morning. He should take every opportunity of protesting against the practice. The Government would have plenty of time for these Votes during the whole of next week. They had no Bills to pass, or if they had they ought not to have any; and not a single Bill ought to be read a second time after the 1st of August. He begged to move that the Chairman leave the Chair.

Motion made, and Question proposed, “That the Chairman do now leave the Chair.”—(*Colonel Alexander*.)

LORD FREDERICK CAVENDISH said, that as the minority of the Committee had not shown the feeling displayed by the majority he would not oppose the Motion.

Motion, by leave, *withdrawn*.

Resolutions to be reported upon *Monday* next.

Committee also report Progress; to sit again upon *Monday* next.

PETROLEUM (HAWKING) BILL.—[*Lords*.]
(*Mr. Courtney*.)

[BILL 222.] COMMITTEE.

Order for Committee read.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Power to hawk petroleum) *agreed to*.

Clause 2 (Regulations for hawking petroleum).

MR. DILLWYN said, the words “proper care shall be taken to prevent

any petroleum escaping," which he proposed to omit, were too vague, and he did not think any convictions would ever be effected under them. Where any person allowed petroleum to escape into a sewer, the fact itself was sufficient evidence of a want of care which ought to be subject to penalty, otherwise people would allow escapes, and then declare that they had taken all proper care, and the magistrate would have to decide the point. The escape ought to carry the penalty with it; and he urged that the clause ought to be made stringent, for the presence of explosive substances in sewers was a very serious thing, and they could not tell what mischief they might cause. He proposed, therefore, to get rid of the vagueness of the clause, and to make it definite by making the accident itself proof of carelessness.

Amendment proposed,

In page 2, line 1, leave out "proper care shall be taken to prevent any petroleum escaping," and insert "in the case of any person having the care or charge of petroleum allowing it to escape."—(*Mr. Dillwyn.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. COURTNEY said, he could not assent to the Amendment, and observed that there was a much more serious objection to the Amendment than the vagueness to which the hon. Member objected. It was not safe, it was unreasonable, and it was not just. What the Bill proposed to strike at was the absence of proper care on the part of any person licensed to hawk petroleum. The hon. Member was not content with that provision, but wished to add actual escape as subject to penalty. It was not safe to make escape a subject of penalty before the act of carelessness was made penal; neither was it just, because, although the person might have taken the most absolute care possible, yet, through some defect which he could not have foreseen, there might be an escape. As to the clause being vague, it was simply a matter for the magistrates to decide upon the evidence adduced; and he thought the magistrates were perfectly competent to deal with the matter.

MR. HOPWOOD thought the clause vague as it stood; but he recognized the difficulty of inserting the Amendment in the clause, drawn, as the Bill was, in a

peculiar form. He agreed that there should be something in the Bill to more carefully provide against carelessness; but he did not think the hon. Member had thoroughly solved that difficulty, and, therefore, he thought it would be better to abide by the language of the clause.

MR. DILLWYN said, he was willing to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. DILLWYN said, he had another Amendment, in line 3, after the word "sewer," to add "shall on conviction thereof be liable to the penalty hereinafter imposed;" but it amounted to very much the same thing as the Amendment just disposed of, and he would not, therefore, move it. It appeared to him, however, that the clause, as it stood, was very vague and indefinite, and that the third Amendment which appeared in his name upon the Paper would remove some of that indefiniteness. The words in the clause were "due precaution," and he certainly did not know what they meant; and he would propose the substitution of words that were much more definite. He begged to move the Amendment which stood in his name.

Amendment proposed,

In page 2, line 8, leave out from "all," to "hawking," inclusive, and insert "any person having the care or charge of petroleum, who shall do any act which may tend to cause any accident by fire or explosion, and which is not reasonably necessary for the purpose of such hawking, or who shall allow any unauthorized person to have access to the vessels containing the petroleum, shall on conviction thereof be liable to the penalty hereinafter imposed."—(*Mr. Dillwyn.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. COURTNEY said, he was afraid the same objection really applied to this Amendment as to the former one. In the first place, the proposal of his hon. Friend amounted to the transformation of a most important clause of the Bill. There were three things provided for by the clause, the third of which was that due precaution should be exercised; and, although it might be a somewhat vague expression, it appeared to him that the necessities of the case required that some latitude should be given to the magis-

Mr. Dillwyn

trates in dealing with the cases likely to be brought before them. He could not see how there would be any miscarriage of justice under the clause; and, on the other hand, these words were wanted in order to cover cases where it was made clear to the magistrates that due precaution had not been taken. He hoped his hon. Friend would not press the Amendment.

MR. DILLWYN said, he would not press it if his hon. Friend declined to accept it; but he could not help feeling that the words, as they stood in the clause, were vague and indefinite.

Amendment, by leave, *withdrawn*.

MR. THOMASSON moved, in line 16, to leave out "no article or substance of an explosive or." He proposed afterwards to add the word "highly" before "inflammable," which would make the clause more stringent.

Amendment proposed, in page 2, line 15, leave out "no article or substance of an explosive or."—(*Mr. Thomasson*.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. COURTNEY said, he objected to the Amendment, because its adoption would make the clause absolutely unreadable. It would not run together at all, nor would it be possible to make sense of it. It would read in this fashion—"inflammable character other than petroleum nor any of them."

MR. THOMASSON said, he intended, if the Amendment were adopted, to put in the word "highly" before "inflammable."

MR. COURTNEY said, that on comparing the clause and the proposal as it stood on the Paper, he was utterly at a loss to comprehend what it was his hon. Friend desired to do.

THE CHAIRMAN: Of course, the hon. Member for Bolton (*Mr. Thomasson*) does not propose to insert words in the clause that are incapable of being considered with it. The Amendment, as it at present stands on the Paper, will render the clause unreadable, and, therefore, cannot be put.

MR. THOMASSON remarked, that if the words proposed to be struck out were omitted, he should then propose to insert the word "highly," which

would make the clause correspond with Section 4.

Amendment, by leave, *withdrawn*.

MR. THOMASSON moved, in line 15, after "or," to insert "highly." He explained that his reason for proposing the Amendment was that the word "highly" appeared in the other sections of the Bill.

Amendment proposed, in page 2, line 15, after "or," insert "highly."—(*Mr. Thomasson*.)

Question proposed, "That the word 'highly' be there inserted."

MR. COURTNEY said, his hon. Friend was probably not aware that the word "highly" had a technical meaning in connection with petroleum. Petroleum was variously described as "petroleum" and as "highly inflammable petroleum;" and it was proposed in the clause that neither the high nor the low test should be taken.

MR. THOMASSON said, he would not press the Amendment.

Amendment, by leave, *withdrawn*.

MR. THOMASSON moved, in line 22, to leave out the words "and the carriage conveying the same." He thought it was an exceedingly harsh provision that the hawker, on conviction, should forfeit the carriage conveying the petroleum, because without retaining the carriage the man might have no means of earning an honest livelihood. He looked upon the provision as far too stringent; and he would, therefore, move the omission of the words.

Amendment proposed, in page 2, line 22, leave out "and the carriage conveying the same."—(*Mr. Thomasson*.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. COURTNEY said, it was necessary that the words "and the carriage conveying the same" should be retained; and he thought the hon. Member and the Committee would see the force of retaining them. It was only liable to be forfeited, and the question whether it should be forfeited or not was left to the discretion of the magistrate. He was afraid that with regard to some persons the only efficient way of making them observe the law was to

enact that the carriage conveying the petroleum should be liable to be forfeited. It was, however, not compulsory, but only a liability to forfeiture.

Amendment negatived.

MR. HOPWOOD moved, in line 23, to insert the words "by order of a Court of Summary Jurisdiction" after the word "forfeited." He explained that his object was to show by what Court the forfeiture should be made. The words as they stood were, "shall be liable to be forfeited;" and, in addition, the licensee by whose servants the petroleum was hawked were liable on summary conviction to a penalty. Forfeiture did not necessarily follow on all cases of summary conviction, and it required an order on the part of a Court of Summary Jurisdiction. It was therefore necessary to insert these words. At present there was nothing to say who was the authority to direct the forfeiture. It might be forfeited in the sense of being recovered in a Civil Court; but he apprehended that that was not what the Government meant. He presumed they meant that the Court before whom the question was brought, and who would have the power of inflicting a penalty of fine or imprisonment, would also have the power of ordering forfeiture. It would, however, be necessary to say "by a Court of Summary Jurisdiction."

Amendment proposed, in page 2, line 23, after the word "forfeited," insert "by order of a Court of Summary Jurisdiction."—(Mr. Hopwood.)

Question proposed, "That those words be there inserted."

MR. COURTNEY wished to point out that the Bill was to be taken in connection with the Petroleum Hawkers Acts of 1871 and 1879; and the hon. and learned Member for Stockport (Mr. Hopwood) would find that the provision he proposed to insert now was fully provided for. The present measure was simply an amplification of those Acts and supplemental to them, and the same Court already provided would exercise the jurisdiction.

MR. HOPWOOD said, that if his hon. Friend who undertook the responsibility of the Bill was satisfied that was the case it would not be necessary to press the Amendment.

Amendment, by leave, withdrawn.

Mr. Courtney

MR. THOMASSON moved, in line 25, to leave out "twenty," and insert "five." The Act of 1871 applied to shopkeepers and storekeepers, many of whom would have wool on their backs, and could, upon conviction for an infringement of the law, afford to pay a heavy penalty; but the present Bill applied to small hawkers, to most of whom a penalty of £20 would be a crushing penalty. He therefore proposed to reduce it to £5.

Amendment proposed, in page 2, line 25, leave out "twenty," and insert "five."—(Mr. Thomasson.)

Question proposed, "That the word 'twenty' stand part of the Clause."

MR. COURTNEY said, that here again the penalty prescribed was the maximum penalty, and he did not think it would be likely to be inflicted except in cases where gross negligence was proved and it became absolutely necessary that a heavy penalty should be imposed. It must be borne in mind that the business they were about to license by an Act of the Legislature was of an extremely perilous character; and the highest penalty should be inflicted where it could be shown that there had been gross carelessness. The magistrates might, under the Summary Jurisdiction Act, decline to impose any penalty at all and might dismiss the case.

Amendment negatived.

MR. THOMASSON said, he would not move the next Amendment which stood in his name, and which was to omit, in lines 27 and 28, the words "or other person."

Motion made, and Question proposed, "That the Clause stand part of the Bill."

MR. HOPWOOD wished to know how his hon. Friend the Under Secretary of State for the Home Department read the clause—"Where such servant of the licensee or other person?" Did it mean some servant of the licensee, and then some servant of some other person?

MR. COURTNEY: No; certainly not.

MR. HOPWOOD asked why it should not be read in that way? It might certainly mean the servant of some other person.

MR. COURTNEY remarked, that if his hon. and learned Friend would read the

next line, he would see why it would not be read in that way.

MR. HOPWOOD said, the words following were, "shall be liable to the same penalty as if he were the licensee." But the words "other person" might still be the antecedent. But if the Government were content with the clause as it stood he would not object.

MR. WARTON said, he did not think they ought to dispute the grammar of any Bill they were going on with at that hour of the night—half past 1. The phraseology of the clause was certainly most extraordinary. [*Cries of "Question!"*] If an hon. Member was not to be allowed to make a small observation of that kind, he really did not know what they might not be reduced to. He sincerely hoped the Committee would not consent to pass this 2nd clause. He looked upon the whole of the clause as highly dangerous, and he would tell the Committee why. The hon. Member in charge of the Bill told them the measure was brought in to supplement the Acts of 1871 and 1879. It was, therefore, desirable that he (Mr. Warton) should call attention to the very dangerous character of this clause in comparison with the Act of 1871. It would scarcely be believed that in the Act of 1871, by the 7th section, careful provision was made in regard to the nature and capacity of the vessels in which petroleum was to be kept. They were required to be glass, earthenware, or metal. There was no such provision in the present Bill; and the same section—namely, the 7th section of the Act of 1871—contained a provision which was altogether inconsistent with that which appeared in the present clause, and rendered it impossible to read the two measures together. Under the Act of 1871, no person was allowed to keep petroleum without a special licence in larger quantities than a pint in each vessel; and no person was allowed to keep more, in the whole, than three gallons. And yet it was proposed by the present Bill to send out these 5s. hawkers in the street with as much as 10 gallons. One Act required three gallons to be kept quietly under lock and key in a house properly guarded, and the other allowed 10 gallons to be hawked through the streets; and, by the 2nd sub-section of this clause, it was provided that the petroleum might be contained in an inclosed ves-

sel, so that there was nothing to show that the whole 10 gallons might not be contained in one vessel. Thus, while by the Act of 1871 an aggregate amount of three gallons was to be kept in seven or eight different vessels containing not more than a pint each, by this Bill a hawker was to be allowed to keep as much as 10 gallons in a single vessel. Indeed, there was nothing in this ridiculous clause to prevent a man from sending out a servant into the streets with a 10-gallon vessel full of petroleum. Surely that was nice legislation—a 10-gallon vessel full of petroleum sent into the streets, liable to all the accidents that might arise from smoking and carelessness. He was anxious to hear what reason the hon. Member for Liskeard (Mr. Courtney) could assign for the alteration in the provisions of the two measures. He thought the words "ten gallons," coupled with the fact that the entire quantity might be hawked about in one vessel, was quite enough to induce the Committee to reject the clause. The hon. Member for Bolton (Mr. Thomasson) had displayed a great anxiety to mitigate the penalty from £20 to £5; but he could not have read the Act of 1871, which laid it down definitely that the penalty should be £20. Altogether, this clause, which was a very long one, was most carelessly drawn; and if it were passed there would be nothing to prevent a mere hawker of petroleum from going about the streets with a carriage having on the top of it a big vessel containing 10 gallons of this highly dangerous material.

MR. COURTNEY said, the reference made by the hon. and learned Member to the Act of 1871 surprised him very much; and he felt very much inclined to distrust the accuracy of the hon. and learned Member's information. The Act of 1871 dealt with the quantity of petroleum which a vendor was to keep; but did the hon. and learned Gentleman mean to persuade the Committee that the vendor was not allowed to have in his possession a greater quantity than three gallons?

MR. WARTON remarked, that if the hon. Member would refer to Section 7 of the Act of 1871, he would find that in order to exempt the vendor of petroleum from the penalties of the Act he must not keep a larger quantity than three gallons, and that it must be con-

tained in vessels holding not more than a pint each.

MR. COURTNEY said, that, to his mind, the Act did not bear the reading placed upon it by the hon. and learned Member for Bridport. It was perfectly well known that vendors of petroleum could keep a larger quantity than the hon. and learned Member referred to; and although at the moment he was unable to explain the point raised, he was quite satisfied as to the state of the law. If the hon. and learned Member would allow the question to stand over, the matter should be inquired into. It was thought that if a less quantity than 10 gallons was prescribed in the Bill the occupation of hawkers would be unnecessarily interfered with. Since the commencement of his remarks his hon. and learned Friend the Solicitor General had explained that the quantity named in the Act referred to by the hon. and learned Member represented the extent to which petroleum was permitted to be kept without a licence. Where a licence was granted no such restriction applied.

MR. WARTON said, that was not his point. He had contrasted the quantity allowed by the 7th section of the Act of 1871, in pint vessels, with the 10 gallons which, under the present Bill, might be kept in one vessel, for the purpose of showing that insufficient precautions with regard to safety were now taken as compared with those introduced into the Act of 1871, and which at the time were considered necessary with regard to petroleum for sale or private use.

Question put.

The Committee *divided*:—Ayes 30; Noes 4: Majority 26. — (Div. List, No. 345.)

And it appearing in the Division that 40 Members were not present in the Committee,

Mr. Speaker resumed the Chair:—House counted, and 40 Members not being present,

House adjourned at a quarter before Two o'clock till Monday next.

Mr. Warton

HOUSE OF LORDS,

Monday, 1st August, 1881.

MINUTES.]—*Sat First in Parliament*—The Lord Fingall, after the death of his father.
PUBLIC BILLS—*First Reading*—Shop Hours Regulation* (191).
Second Reading—Land Law (Ireland) (187), *debate adjourned*.
Committee—*Report*—Public Loans (Ireland) Remission* (176).
Report—Metropolitan Open Spaces Act (1877) Amendment* (164).
Third Reading—Universities of Oxford and Cambridge (Statutes)* (178); Turnpike Acts Continuance* (170); Patriotic Fund* (183); Customs (Officers)* (168), and *passed*.

LAND LAW (IRELAND) BILL.—(No. 187.)
(*The Lord Privy Seal*.)

SECOND READING. [FIRST NIGHT.]

Order of the Day for the Second Reading read.

LORD CARLINGFORD, in rising to move that the Bill be now read the second time, said: My Lords, I think I may count on the indulgence and consideration of your Lordships, which I so greatly need, while I endeavour to state the principal provisions of the Land Law (Ireland) Bill—a very great, a very difficult, and a very exceptional measure for the reform of the Irish Land Laws. I shall only say for myself that no man in this House can take a deeper interest in this measure than I do, both as a public man having formerly had much connection with this very question, and privately as one deeply interested in Irish land. And I may add, my Lords, that, having had no official connection with this Bill before it was introduced to Parliament—not having been one of those who assisted the Prime Minister in the great work of framing this measure—I found that it contained the kind of legislation which I had convinced myself was necessary for Ireland, and I have been able to accept it with full conviction and assent.

My Lords, if this measure were not an exceptional measure, it would be a worthless one, and that because the facts with which it deals are so completely exceptional, measured by the standard of the land systems of England and Scotland. The land systems

of the two Islands are as different as they possibly can be—as different as if the Islands themselves were to one another distant and foreign regions. Those differences are deep-rooted and far-reaching. Who can doubt that who knows the familiar facts of the case? Who can doubt it who thinks of the multitude of peasant farmers all over Ireland, to whom the loss of the holding is a calamity compared to which almost anything is endurable, and which they would bear almost anything to avoid? Who can doubt it who remembers the broad general fact, which remains true after all possible deductions and exceptions, that the Irish tenant is generally expected to provide, and must in future provide, by far the greater part of that fixed and durable outlay upon fixed and durable improvements which, in this country, as a mere matter of course, is provided by the landlord? These things are familiar to us now, much more so than they were in 1870, and I am not going to dwell upon them. But although, my Lords, they are familiar to us, I think that up till now it has never been fully perceived or admitted, by those who were responsible for legislation, how far these facts lead us, and ought to lead us—how they point, as a matter of policy quite as much as of justice, to the granting of a kind of tenure, a security of tenure far beyond anything known or anything necessary in this country. Therefore, my Lords, the old Irish complaint is still unappeased—the common complaint of insecurity, of uncertainty of tenure, carrying with it, of course, the danger of an excessive, perhaps an oppressive, rent. That complaint has been heard from generation to generation in Ireland, though it has been seldom listened to. You may go as far back as Spencer; you may come down to Swift, to Arthur Young, and to Burke; you may come down to the Poor Law Commission, the Devon Commission, and to Committees of both Houses of Parliament; you may take the reports of of private observers—Wakefield, Senior, *The Times* Commissioners, three times sent over; you may take economists, such as Neilson Hancock, and Cliffe Leslie, and Stuart Mill, and you will always find the same story and the same convictions, the old complaint of insecurity of tenure. There is one sentence from the Report of the

Devon Commission on this head which I should like to read to your Lordships. My quotations shall be very few, but I think this is one which is worth reading. They say—

“The most general and, indeed, universal complaint in every part of Ireland was ‘the want of tenure,’ to use the expression most commonly employed by the witnesses. The uncertainty of tenure is constantly referred to as a pressing grievance by all classes of tenants. It is said to paralyze all exertions, and to place a fatal impediment in the way of improvement. We have no doubt that this is so in many instances.”

I am afraid that that assertion is as true, or almost as true, to-day as it was then. But you will ask, of course—“Has not the Land Act of 1870 cured all these things?” My Lords, I am obliged to admit that it has not. I think that Act was a great measure of Land Law Reform for Ireland; I think it did great things. It certainly stimulated the industry of the Irish tenants for a considerable time, until they found out that the security it gave was not nearly so great as they expected. It certainly protected many tenants from hardship and wrong, and until of late it greatly decreased the number of evictions; and if it did only those two things, if it only legalized the Ulster tenant right custom and reversed the iniquitous law which made the tenants’ improvements the landlords’ property—if, I say, it had only done these two things, I think it would have been a great measure. But it had, at least, two great deficiencies. It did not give the tenant a sufficient interest and property in his own outlay and improvements to induce him to make them to the required extent, and it did not deal directly with the burning question of rent in the direction of securing him against arbitrary increases of that rent. There can be no doubt that the recent lawless refusal to pay rent, and all the discontent and disaffection we have seen in Ireland, have been largely due to a succession of bad seasons and to a violent agitation. But, on the other hand, who can doubt that there are real grievances and evils lying behind all this agitation? We, at least, on this Bench do not doubt it. We are convinced, in common with a great number of the best judges of the state of things in Ireland; we are convinced by the evidence and opinions gathered from all quarters by the

[First Night.]

two Commissions which have sat—the evidence, not of tenants only, but of landlords, agents, County Court Judges, and the most experienced men of every class, that these evils do exist. The evidence of the County Court Judges of Ireland is well deserving the consideration of this House, and is evidence of great weight, as coming from persons whose special knowledge and opportunities entitle them to be heard with respect and attention. Seven or eight of them were examined, and I doubt if there was one who did not testify to the existence of those facts upon which this Bill is based, while most of them pointed to remedies such as we now propose, to legislation practically identical with that contained in this measure. We believe, therefore, my Lords, that the statement I have just quoted from the Devon Commission is still too true. And let me remind your Lordships that since that date a new factor has grown up in Irish life, which has increased and aggravated the distrust of Irish tenants—that is, the great change of landed property in Ireland. That great change has largely broken into the old and kindly traditional system of land management which used to prevail, and which still prevails, I am glad to think, to a great extent; but the Irish tenant now wants protection, not so much against his actual, as against his possible landlord. He is always in fear of a change of ownership, a fact that was clearly shown in the evidence before the two Commissions. The tenant is very often satisfied with his landlord, but fears a change; and, to repeat a phrase frequently used by the witnesses, he dreads lest a new King may arise who knows not Joseph. Under those circumstances, the Irish tenant becomes discontented and disaffected; he sullenly folds his arms, and refuses to exert himself and to improve. Nothing is more plainly proved by the evidence taken by the Commissions than the widespread feeling among the tenantry that it is dangerous to improve. My Lords, can any condition of things be more fatal in a country where everything depends on agriculture, where almost all agricultural improvements are yet to be made, where almost all agricultural dwellings ought to be rebuilt, and where it is chimerical, hopeless, and unjust to expect the lords of the

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soil, the owners of the land, to undertake the burden of so enormous an outlay? We desire to cure that condition of things, if it be possible. We desire to substitute for this uncertainty of tenure the fact and feeling of security, and I am now going to tell your Lordships the means by which this measure aims at that object. My Lords, the three main provisions of the Bill may be described in this way—First, there is the right conferred on the tenant of selling his tenancy—that is to say, the interest in his holding. Secondly, there is the power of obtaining from a Court, an impartial tribunal, a settlement of the rent. Thirdly, there is the restriction of the landlord's right of eviction. I may be told that these three heads of legislation are virtually the "three F's," and if anyone chooses so to describe them I have no objection; but I do not use that term myself, for this reason—that these popular phrases of fair rent, free sale, and fixity of tenure always carry with them a certain natural exaggeration, and that to describe the provisions of the Bill in that way would be unjust to those who have taken immense pains in the framing of the measure to carry out those principles, and in guarding and adapting them to all the circumstances and rights of the two parties. That, my Lords, is my conviction with respect to the framing of this Bill. But I am not ashamed of the "three F's"—I am not ashamed of them, if it were only for this reason—The "three F's" prevail at this moment on great numbers of the best and happiest estates in all Ireland. Now, these three heads of legislation are so closely connected and bound together that if you admit one of them, you cannot but admit the others also. If you begin to deal with one, you cannot possibly help going on to the other two. They follow from one another, and have a natural affinity, growing out of the circumstances of the case. But the Bill rushes at once *in medias res*, and in the 1st clause deals with the tenant's right to sell the interest in his holding, subject to various conditions, and, above all, to the landlord's right to obtain, either by agreement or at the hands of the Court, his fair rent. This practice of selling the tenant's interest is one that seems strange to those accustomed to the English and Scotch systems, especially to

those who think those systems a part of the order of nature, or a branch of the moral law, equally applicable to the whole of the human race; but it is not strange in Ireland. It is perfectly familiar there. The Land Act of 1870 is full of it, although it did not directly enact it for Ireland generally. Ireland itself is full of it, from one end to the other, and perhaps fuller of it at this moment than it ever has been. The moment you look below the surface, you find it in one shape or another, even where you least expect it, and where its very existence is denied. An agent says he sets himself against it; but you find that tenant A sells to tenant B; while the agent winks at the transaction or looks the other way; a landlord says indignantly that he sets his face against the growth of tenant right on his estate; but you find that he is ready and very glad to take from the incoming tenant the arrears owing by his predecessor. What is that every-day proceeding but an admission of tenant right?—the only difference being that the payment, instead of going through the hands of the outgoing tenant, comes direct to the landlord. This is the condition in which the practice of tenant right is found all over Ireland, and I will say, in passing, that there is evidently nothing so satisfactory to the mind of the Irish tenant; and that fact alone, as it appears to me, is an advantage enough to outweigh many drawbacks. But there is one Province of Ireland in which, as we all know, this practice has long been thoroughly established—first as a custom, and now as the law of the land. For my part, I believe that this custom, or a similar one, would long ago have established itself over the whole country if the old and happy relations between landlord and tenant that exist in Ulster had existed also in the other Provinces. If the landlord had had the same feeling for his tenant, and the tenant the same spirit of independence, I believe this custom would have grown up everywhere as a natural condition of tenancies in Ireland. I need not say that such a growth was rendered impossible by the hateful legislation of the last century, and the unwholesome and miserable relations so established between the two classes. In this way, it was in Ulster only that the custom struck root, and originally in the Protestant and Scotch

settlement of Ulster, from which it gradually extended itself over the rest of the Province. The men of Ulster believe that the custom lies at the root of the greater part of their prosperity; and I entirely agree with them. To say the very least, it must be admitted that it has grown up in that part of Ireland which is the happiest, the most peaceful, the most industrious, where the most is made of the land, and where there is the largest number of resident landlords. Now, what does this tenant right consist of? It consists, in the first place, and above all, of the value of the tenant's own outlay on improvements, and is the Irish method of securing that value to the tenant. This is by far the most important part of it all, both in a public point of view and in the view of the tenant himself. The tenant has very little confidence in the artificial valuation of his property; he desires to have the full value of his improvements, and to test and realize it by sale. Of course, there is also another element, a subordinate element, which represents the mere price for the occupation of the farm, the goodwill of the farm, as it is often called, and that element is chiefly and especially important in the case of the smaller holdings. It cannot be separated from the other element; and if it has any disadvantages they must be taken with the advantages of the former and main component, with which, in a greater or lesser degree, it is inextricably mixed up. I know that in the eyes of many persons this payment for the goodwill of a holding vitiates the whole system of tenant right and makes it altogether an abuse. But the Irish tenant is not of that opinion. In his eyes—and I think he knows his own interest better than other people—this payment mitigates the hardships of that event which is the great dread of his life—the day when he loses his holding. It forms, in fact, a kind of “compensation for disturbance,” which was looked upon, I know, by many as a very strange device in the Act of 1870, though, in fact, it was nothing of the kind, for in Ireland, on the best managed estates, a voluntary system of compensation for disturbance has always been in operation. These tenant right payments are, of course, sometimes extravagant. We hear a great deal of that—I think a great deal too much; we are sure to hear of cases of excess, and

people do not ask how they are to be explained, so that there grows up a notion that tenant right is generally extravagant. I do not myself believe that it is so; and on that point very valuable information was collected by the Assistant Commissioners of the Richmond Commission. They assured us they very seldom found a case in which an incoming purchasing tenant did not get value for his money in the shape of works and improvements. They also stated that a great number of the cases of apparently extravagant tenant right payments could be easily accounted for, because they took place in little farms in mountain and moorland districts, where the tenant himself had made his farm by reclaiming the waste land and putting his home and other buildings upon it. Consequently, the tenant right, measured by the very low rent that is properly received by the landlord from such a holding, appears to be extravagant; but it is not so, for it is evidently absurd to measure the tenant's distinct interest by a measurement derived from the landlord's. We are often told confidently that if a tenant holding at a reasonable rent makes this tenant right payment upon entering on his holding he converts himself into a rack-rented farmer. My Lords, that may be the theory of the matter; but it is not the fact. The tenant knows that the money he has paid is not a rent, but an investment, an insurance against the evil day when he may have to leave his holding. He knows that every addition he makes to the value of his holding is an investment that will add to the price of his tenant right, and that all deterioration of the buildings or holding will diminish it. Therefore, the tenant right becomes a premium on industry and improvement, and a constant penalty on sloth and neglect. Then we are told that if we, for the first time, confer on tenants in other parts of Ireland than Ulster the right of selling their interest, we shall enable them to sell something which is the property of their landlords. Well, I find it difficult to understand that statement. First of all, in the endless cases which are constantly occurring in Ireland, where the tenant is permitted by his landlord to sell his interest, does the landlord think the tenant is selling anything which belongs to him?

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Nothing of the kind. By giving the tenant a right to sell his interest in his holding we simply confer upon him that kind of security for improvements which is most satisfactory to him, and which is already enjoyed by his brethren in Ulster; and no one in this House, I take it, will be sorry to see Irish landlords—I am afraid the truth must be admitted that there are in Ireland some landlords who would do it—debarred from levying on a tenant an increased rent on account of that tenant's own outlay and investments. Then, as to the other portion of the tenant right, is it true that the occupation element, the goodwill element, must be taken out of the landlord's fair rent? I utterly deny that. We do not admit it for a moment. We believe that the goodwill element of tenant right grows up inevitably, side by side, in conjunction with, and outside of, the landlord's rent; that it is not carved out of the landlord's rent; and that it does not cut down the landlord's rent. That we believe firmly to be proved by all the evidence bearing on the case and from all the experience of Ulster. I think the Ulster landlords may well be satisfied with the amount and the security of the rents they receive alongside and, so to speak, in spite of the tenant right, and we believe the same thing will be true in every other part of Ireland. We think, therefore, that provided the landlord has security for his fair rent, and provided that the tenant is not allowed to make money out of the mere indulgence of the landlord—and this the Bill will prevent—we maintain that the general power of sale of their interest conferred on the tenants will cause the landlord no loss of legitimate income, and we hold that to legalize that right will be of great public advantage to Ireland; that it will give a great sense of security to the tenant; that it will greatly stimulate his improvements; and that, to say the very least, it will do no injury and no wrong to the landlord.

My Lords, the next main provision of the Bill is closely connected with that which I have just described—namely, the power of appealing to a tribunal for the settlement of rent. This, no doubt, is novel and exceptional legislation. It is legislation which is totally inapplicable to everything in this country; but we are convinced, in common with a great

number of the best authorities in Ireland, that there are no other possible means within our power of protecting the Irish tenants against excessive rent. It is remarkable what a consensus of opinion is found to exist upon this subject outside the tenant class. Irish opinion seems to have hit upon this as the only possible remedy for the great evils in this matter of rent, from which both landlords and tenants are now suffering. I do not know whether we shall hear much in this debate about freedom of contract in Ireland; possibly we may; but whatever may be said upon the subject, I think most people have found out that there is not much of it in the case of dealings between a landlord and an occupying tenant. I do not speak of dealings between landlords and new tenants, but of dealings between a landlord and a tenant in occupation, to whom the loss of his farm is the loss of his livelihood. The fact of the utter want of freedom in these cases has been brought out in the strongest way by the working of the Land Act of 1870. The strongest and the most novel provision in that Act was a penalty upon eviction. At that time we fixed our eyes on this matter of eviction, and we thought that if we could check eviction we should check the raising of rent. But we overrated the efficacy of that method, and we underrated the enormous power of coercion which a threat of eviction can exercise on an Irish tenant. We did not fully see, until we learnt it by experience, that an Irish tenant will too commonly submit to almost any terms rather than undergo the pains and penalties of eviction. I will trouble your Lordships with two short quotations which illustrate this fact. One is from the evidence taken by a Committee of this House—Lord Clanricarde's Committee—some years ago. A solicitor in the South of Ireland said—

"They (the tenants) told me, as a matter of secrecy, that they had saved sums of money; but they were afraid to invest them in their farms, or to let the landlord or agent know that they had them, inasmuch as they had no hold of the land. 'Do you really think there was the slightest foundation for such a fear?'—'I do, most sincerely. The tenant's rent might be raised, or a fine required.'"

The next extract is from the Evidence taken by the Bessborough Commission, and is only a sample of what may be found in it from one end to the other.

["Hear, hear!"] I do not know whether noble Lords opposite mean by their cheers that no witness is to be believed because he gave evidence before the Bessborough Commission. If so, that is a wonderful state of mind. A Southern land agent and solicitor said before that Commission—

"There is not a day that I am not told by tenants that there is no use in their improving if the bailiff can go round, and, on seeing a tolerable piece of ground which had been improved, can tell them to go out, or pay an additional rent. At all events, they will not improve under the present system."

We are convinced that the evidence, of which these are the merest specimens, proves that in these dealings between a landlord and an occupying tenant there is such an utter inequality between the parties, such a helplessness on the part of the tenant, that it becomes a matter of the highest policy, in the interests of both classes, to interfere, and to endeavour to settle this burning question by the action of a Court. As to the means of deciding what is a fair rent, we do not believe there will be any great practical difficulty. We think that the Court, aided by competent experts, will be able to settle with sufficient accuracy what is a fair rent for the holding. Such a duty is not so novel a one as many may think, because it is plain that the Irish County Court Judges have, under the Act of 1870, been dealing to a large extent with the settlement of this very matter of rent. The Act of 1870 gave those learned gentlemen no direct power of settling a fair rent; but it became inevitable under its provisions that they should often consider what, between the two parties, a fair rent was. We believe that this reference to the Court will be a great boon to all parties. My Lords, I know some think that this exceptional legislation ought, at least, to be confined to the smaller tenants in Ireland. I see that I myself have lately been quoted in support of that opinion. I suppose I did say, in the year 1870, that tenants of holdings valued at £100 ought to be able to protect themselves. ["Hear, hear!"] I cannot accept those cheers. I say at once that I totally retract that opinion. I have learned since 1870 that that opinion was totally unfounded. No doubt it is true that the larger Irish tenant is not in the same danger of destitution upon leaving his holding as the

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smaller tenant may be; but the larger tenant is the man who invests the most capital in his farm, and is the very man who, from a public point of view, most requires the protection of such legislation as this. He risks the most, he gives the most hostages to fortune; and certainly his industry and capital require at least as much protection, both from the public point of view and in justice to himself, as those of the smaller tenant. I think, therefore, it would be a very great mistake and misfortune if such a class as the large and improving tenants of Ireland were excluded from the protection of this Bill in the matter of rent. I may state at this point the nature of the Land Court which the Bill establishes. First of all, the measure retains the Civil Bill Courts as under the Land Act, with the assistance of competent valuers. But it also creates a superior Land Commission or Court, and enables either landlord or tenant to pass by the Civil Bill Court, and to appeal at once to the Land Commission. That Commission will consist of three Members. Two of them are legal Members, one of whom is the Judicial Commissioner, both of them being men of the highest standing, character, and ability, and the third is a gentleman who stands at the very head of the profession of land agents in Ireland, and who deserves, and I believe will obtain, the confidence of tenants and landlords alike. This Court will be assisted by Assistant Commissioners, and sub-Commissions will be formed in various parts of Ireland. The Court will be enabled and bound to rehear any case upon appeal, whether from a County Court Judge or from a sub-Commission. My Lords, I pass now to the third main provision of the Bill, which relates to the limitation of the right of ejectment. I need scarcely say that it would be useless to give this power to settle a rent to the Court if it were left perfectly open to the landlord to turn out the tenant for any and every reason, perhaps for the very reason that he had applied to the Court. The Bill, therefore, provides that the fixing of a judicial rent by the Court shall create a statutory tenancy for a statutory term of 15 years, renewable by the Court, if the Court shall again revise the rent. During that term the landlord will not be able to raise the rent, except on account of capital which

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he may have laid out by agreement with the tenant upon the farm. The statutory conditions to which the tenant will be subject are these—the landlord retains the right to dispossess the tenant for non-payment of rent, for waste, for sub-division and sub-letting, for bankruptcy, and for persistent obstruction to all the various ordinary rights of property, such as the rights of mining and cutting timber, of making roads and drains, of sporting, &c. Beyond this list of grounds for ejectment the landlord will not be able to eject. Now, doubtless, there will be many cases in which the parties will not appeal to the Court; and if they agree, without the intervention of the Court, upon an increased rent, a similar statutory term will be created, and the landlord, in addition, will have the right, with the consent of the Court, and with full compensation to the tenant, to resume any holding or any portion of it for causes connected with the benefit of the estate. This right of appeal to the Court is not made universal or perpetual. It attaches to what the Bill defines as present tenancies. It does not attach to a holding in any case in which the landlord has resumed possession of the holding either by purchase or otherwise. All such tenancies will come under the description of future tenancies, and there will be no right of appeal to the Court. But the tenancy will be subject to the tenant's right of disposing of his interest, and also to a self-acting system under the 3rd clause of the Bill, which is intended to check the demand for excessive rent on the part of the landlord, and, on the other hand, to encourage the tenant to accept any reasonable increase. There are only two or three more points in this part of the Bill with which I need trouble your Lordships. There is a clause dealing with the question of compensation for disturbance under the Act of 1870. The clause improves the provisions of that Act in some respects, and somewhat increases the scale of payment, in compliance with the opinion of a great number of County Court Judges. I believe that compensation for disturbance under this legislation will sink very much into the background. I believe it will be swallowed up in the far sounder system of the sale of the tenant's interest as in Ulster; and if, as we hope, that interest is increased in numerous cases

by the tenant's own industry and outlay, it will become less and less necessary to have recourse to this compensation for disturbance. It was at best a palliative for great evils, and I look forward to the time when it will be unnecessary. For the present, however, we think it necessary to maintain and to strengthen it, as a protection, in some cases, for the tenant. I come now to the question of leases. The Bill provides for what it calls a judicial lease to be entered into with the sanction of the Court. Such leases will take the place of all the other provisions of the Bill, and will form the tenure—the contract between the landlord and the tenant. At the expiration of such a lease the tenancy of the tenant will be a future tenancy. But with respect to existing leases, the Bill provides that a tenant who, at the end of the lease, falls into the position of an occupying tenant from year to year, shall be treated as a present tenant. The more we look into the matter, the less reason will be found to make a difference between the position of such a tenant at the end of a lease and that of any other tenant in Ireland. It is well known that the real understanding of an Irish lease, in spite of any formal words, is not that the landlord at the end of the lease shall resume possession. The real understanding is that the lease shall fix the rent for the period to which it refers, and that at the end of it the tenant shall be a tenant from year to year. We saw no reason why a tenant in that position should not have the same protection which the Bill gives to his neighbours as ordinary tenants. Indeed, it may very well be that a tenant at that moment may require more protection than at any other time, because he is likely to have invested his money in his holding, and to have made improvements which might be very easily swallowed up and confiscated by an excessive rent. This is the view of the matter taken in the Province of Ulster. The general understanding in that Province is that the lease is little or nothing more than a fixing of the rent for the time that it lasts, and that the tenant at the end of the lease should have the same right of protection under the custom as any other tenant in the Province. We have followed that analogy, and we propose to treat the tenant at the end of an existing lease as a present ten-

ant, and to give him the same protection as that which other tenants from year to year enjoy. Another provision of the Bill which I ought to mention relates to those leases with respect to which there is reason to believe that they have been forced upon the tenants since the passing of the Land Act by notices to quit or threats of eviction. In those leases there are terms which are totally contrary to the spirit of the Land Act. It is proposed by the Bill that if within the next six months any such lease is brought before the Court, and if the Court shall find it to contain such inequitable terms, and to have been forced upon the tenant by threat of eviction, the Court shall be at liberty to declare such lease void. The transactions in question must be very strange to your Lordships. [“Hear, hear!”] I say the transactions with which the clause deals must be strange to the House. If the remedy is unknown in this country, certainly such transactions are absolutely unknown; and it appears to me that a so-called contract obtained by such means as I have described is not one deserving of the name of a lease at all. At all events, we think it a matter so exceptional and so grievous to the tenant who has been coerced to accept such a lease by *force majeure* under threat of eviction, that we think the Court may be entitled to take such influences into consideration, and do justice in the matter. My Lords, I think I have said enough as to that great portion of the Bill which relates to the tenure of land. I now turn for a short time to that part which does not relate to tenure. My Lords, the minor provisions of this portion of the Bill deal with reclamation of waste land and emigration from Ireland. My Lords, there is no question more obscure, or upon which more contradictory evidence exists, than that of the reclamation of land in Ireland. For myself, I believe that the best and most effectual reclamation will be carried out in the future, as it has been in the past, by small tenants on their own land encouraged by a system of security. Others think that there is a good deal to be done upon a larger scale, if the means be found, and the Bill proposes to supply such means. The Treasury under the Bill may make advances either to Companies or occupiers, or to the landlord and tenant jointly, and the reclamation

of land on a large scale may be tried under these provisions. Then, as to emigration, I will only say that it is not to be thought of as a general remedy for the evils of the Irish land system. In the greater part of Ireland emigration would be an evil rather than a good. But, as we all know, there are districts in the country which the Bill mildly terms "thickly populated"—districts where there is an amount of overcrowding which there are, apparently, no means of remedying, except by the removal of the population to happier regions. We hope that the Bill may enable such removal to take place, and that great relief may thus be given to these overcrowded portions of the country. My Lords, the next and main enactment of this part of the Bill relates, of course, to the purchase of land by the tenant farmers—a subject which is very familiar to your Lordships. The Bill proposes greatly to increase the facilities for such purchases, to improve the machinery for promoting them, and especially to make this important change in accordance with the recommendations of the Committee of the other House, presided over by Mr. Shaw Lefevre, that the Land Commission will be empowered to purchase estates from the landlords and to re-sell them, with the assistance of Government advances, to the tenants. My Lords, this plan seems to be watched with eager eyes from two opposite quarters. There are the Land Leaguers, who are longing to buy out the landlords at the cheapest rate possible, and there are a number of landlords who—I think in a panic—are longing to be bought out; but, perhaps, with not quite the same view as to prices. Our point of view is neither one nor the other. There are numbers of resident landlords, and some non-resident, whose separation from Ireland we should look upon as the greatest calamity; and we hope and believe they will find no reason, when this Bill comes into operation, to separate themselves from that country. But there are others, not always from their own fault, whose ownership of land does not confer advantage either upon the tenants, or the country at large; and there are, also, what might be called commercial properties in Ireland which might very well be sold to the tenants, while, of course, it is probable

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that portions of large estates may be treated in the same way. Upon the whole, I believe that, without impairing the existence or influence of the landlord class in Ireland, means may be found to create a very considerable number, in all portions of the country, of smaller proprietors cultivating their own land, and who, we think, would add greatly to the stability of property in Ireland. My Lords, I now desire to return, for a moment, to the main portion of this Bill, which deals with the tenure of land in Ireland. My Lords, I ask myself, what effect will this legislation have upon the interests and well-being of Irish landlords? I ask that question, not merely as a Member of the Government, but as one of the class affected, and of that portion of the class which is especially affected—namely, the Irish landlords outside the Province of Ulster. My Lords, I maintain that the provisions of this Bill will cause the landlords no money loss whatever. I believe that it will inflict upon them no loss of income, except in those cases in which a certain number of landlords may have imposed upon their tenants excessive and inequitable rents, which they are probably vainly trying to recover. But it will, undoubtedly, deprive Irish landlords of a certain portion of their power. It will deprive them of the free choice of a tenant when a change of tenancy takes place; though it will not deprive them of a reasonable veto on the purchasing tenant. It will also deprive them of the means of enforcing their every wish and every rule of their estates by the capital sentence of unrestricted eviction. It seems to me, however, that there is this, at least, to be said—that the time has almost passed when it was necessary, or politic, or, perhaps, possible, for Irish landlords to exercise those powers in the fashion in which of old they used to be exercised. There used to be, undoubtedly, a system of very despotic power, which, in its best form, amounted to a benevolent despotism. Those times, it appears to me, are nearly past; and it will, in that respect, be no real loss to the landlords if their power is somewhat retrenched. But, my Lords, the question is this—I ask myself, and I should like to ask your Lordships, is it not worth while to surrender some of these powers of landlordism, and to strengthen the rest for

the purpose of establishing, upon a firmer footing, the essential rights of property, and basing them upon the contentment of a prosperous tenantry? And, after all, is it not the fact that we who are affected by this Bill shall find ourselves when it passes very much in the position in which the Ulster landlords are now? My Lords, in that case, the prospect does not appear to me to be a very terrible one. Of course, I shall be told by many that this Bill will produce no healing effect. That statement we are prepared to face. We shall be told that it will have no effect upon the minds of the tenants tending to produce a condition of general contentment in Ireland. That is not my belief. I say that there are very strong reasons for believing the contrary. I know not, of course, what difficulties we may yet have to grapple with from the agitation which prevails in Ireland, from the Land League with its American money; but I agree with the remark of a wise Irishman, who said the other day that the Land League is not Ireland. I firmly believe, also, that, in the Land League itself, there are a multitude of members who are not prepared to sacrifice the real interests of the Irish tenant farmers and the prosperity of their country to impossible schemes of social or political revolution. The Irish tenants, as a class, have not asked for revolutionary measures, they have not asked for the abolition of landlords, or the expropriation of landlord property. They have asked for security for themselves, and for fair rents. I have faith in this Bill, because it attempts to attain those objects by methods which are congenial to Ireland, which are copied from the best usages and practices in Ireland; which are not founded upon any theory such as generally ignores half the facts of the case, and which are not modelled upon English and Scotch land systems, so totally alien to the land system of Ireland. My Lords, may I venture to repeat a sentence from a speech of my own in the year 1870? I said then, speaking on the second reading of the Irish Land Bill—

"In framing this measure . . . we have had special regard to the best usages prevailing upon the best estates in Ulster as well as elsewhere. We have taken the elements of the Ulster Custom, and translated them, so to speak, into a statutory form for the rest of the country."—[3 *Hansard*, cxcix. 1443.]

My Lords, I have trust in this Bill, because it is framed in that same spirit which I then described. It adopts, but far more thoroughly, the same principle; it moves, but far more boldly, on the same path. Those usages, which it steadily keeps in view, are not confined to Ulster; they are Irish usages. But I must pay my humble tribute to Ulster itself. It is to Ulster that we owe the only healthy system of land tenure that has ever got itself established in Ireland. It is to Ulster that we owe the only Irish custom that has ever substituted for the mere indulgence of the landlord a manly, moral, and honourable understanding between the two parties. It is to Ulster that we owe, in the person of Sharman Crawford, the first attempts at a reform of the Irish Land Laws. Few in this House will grudge to Ulster any legislation necessary to make her custom safe. But we feel that it is absolutely impossible to leave all the rest of Ireland—all the agricultural classes of three-fourths of Ireland—in a position of absolute inferiority to the Northern Province. We desire, therefore, to do for the rest of Ireland what custom has done for Ulster. We desire to do what custom, under a happier history, would have done for the other three Provinces. We desire to create, by a just law, that state of tenure which is slowly growing up all over Ireland, with all the sinister accompaniments of agitation and conspiracy and agrarian crime. We believe that the magic of security will scatter those evil influences, if Parliament adopts this legislation. We believe that such a measure as this will obtain the moral support of all that is best throughout the country; and I trust I may be allowed, before sitting down, with all sincerity and earnestness, to entreat your Lordships to join with the other House of Parliament, to join with the great majority of the people of this country, in accomplishing this great work for Ireland. I beg to move the second reading of the Bill.

Moved, "That the Bill be now read 2^d."
—(*The Lord Privy Seal*.)

THE MARQUESS OF SALISBURY: My Lords, whatever decision your Lordships may come to with respect to the course which it is right to take as to this Bill, at all events it is desirable that you should not underrate the importance of

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the changes which you are making, or the magnitude of this departure from all the traditions which have governed legislation hitherto. Tenant right, up to this year, has been usually understood in political controversy in a sense which now appears limited and restricted. From the time of the Irish Famine, and from an earlier period, the attention of legislators was drawn to the necessity of protecting from any invasion or encroachment that equitable right of a tenant in the improvements which he, and in many cases he alone, had put upon the land. That was an object with respect to which Parliament may not have been happy in its legislation, but which it sincerely sought to effect. There was no difference of opinion between the two Parties on that point. In fact, your Lordships were reminded by Lord Beaconsfield last year, speaking in this place, that the first measure effectively guaranteeing his improvements to the Irish tenant was brought in by the Irish Attorney General of the first Administration of the late Lord Derby. Hitherto both Parties have expressed themselves desirous of securing the interests of the Irish tenant in his improvements; but, unfortunately, a measure was passed which has had the effect of exposing those improvements to somewhat serious peril. Pressed partly by the political economy of the day, pressed also, in some degree, by an unreasoning dislike to old families and a desire to break up old estates, a Liberal Government, some 25 years ago, passed the Irish Encumbered Estates Act. The provisions of that Act I do not attempt to pourtray; but, as to its effect, it is enough to say that the Prime Minister has already branded it as confiscating the improvements of the Irish tenant. This was the act certainly not of the Party with which we are connected. But from that time to this constant complaints have arisen about those improvements being in danger, and constant efforts have been made to save them. Provisions to that effect were introduced into the Irish Land Act; and, so far as we understood at the time, the tenant right contemplated by the Land Act went no further than this. It had no other object in view in its general provisions; and even where it proposed to give compensation for disturbance, we were distinctly assured that the only intention was to pre-

vent undue and inexpedient exercise of the right of eviction. It was in the same spirit that the question came to be examined during the last Autumn and Winter, and it was with this view that the Commission on which the noble Lord who has just sat down sat—the Commission of the Duke of Richmond—made the recommendation which has become somewhat celebrated, because an attempt has been made to fasten upon it as the basis of the vast structure of this Bill. What the Duke of Richmond's Commission really pointed out was that the tenant's improvements were in danger of being sacrificed, and it was natural that the tenants should desire legislation to prevent it. Nothing more natural; and if this Bill only sought to re-enforce the previous efforts in the same direction, it would have met little opposition or criticism from the Party with which I have the honour to be connected. But an entire change has come over the definition of tenant right that is to be given to the tenants under the Bill of the present Session. Now, for the first time, an enormous change is introduced into the relations between landlord and tenant. The tenants all over Ireland are to be authorized to sell for money that which they never bought, which they never earned, and which the noble Lord who has just sat down would persuade us has grown in some manner out of the soil, and can be made over to the tenant without sacrifice on the part of anybody else's interest in the matter. No doubt wonderful things are done in Ireland, and Ireland is a wonderful country; but I defy anyone who pays attention to the multiplication table to show that this money is given to the tenant without taking away property from the landlord on whose estate the farm is, or from the person with whom the bargain is made. This is not all. It is part of tenant right under this Bill that contracts deliberately made are now to be freely torn up by those who made them; and we are told that this is necessary for the protection of the tenant. Yet, when the Act of 1870 was passed, we were assured that from that time forward every person in Ireland would have to abide by the contracts he made. This is to be no longer the case; but Courts are to be set up to destroy the contracts into which people de-

liberately and knowingly have entered. In what position is the landlord left? Is he worthy to be called a landlord? He may not select his tenant; he may not keep off from his estate any man, no matter how much he may deserve his objection or his hostility. He may not deal with his rent, however much he may justly think it ought to be raised. He may not alter the construction of his estate; he may not unite farm with farm, or consolidate farms which may appear to need it. He may not even select the places where the cottages of his labourers are to be built; but these are to be selected for him, and without his consent, in any part of the estate that is left. My Lords, in what part of the civilized world is that the definition of a landlord? That is not a landlord. He is something between two different characters. He is a sort of mortgagee upon the estate, with an uncertain and precarious hold upon his income, and he is a head agent to Serjeant O'Hagan and his Colleagues. The noble Lord seems to think this is quite reasonable. Say I took a man five years ago and put him into a bit of my park, which I turn into a farm. I gave him no promise, no right to sell the tenancy which he receives. He took it on the clear understanding that he was a tenant from year to year, liable to be evicted, and to have his rent raised according to any agreement to which we might come. He took it under the full understanding that he was liable to leave it. Then this Act comes suddenly down and transfers to him all the rights which he did nothing to earn, nothing to purchase, and which rights are taken away from me. The noble Lord tries to persuade you that this legislation is favourable to the landlord, and not a transfer of the rights of the landlord to the tenant. The answer of the noble Lord is this—"Oh, this is the custom of Ulster, and the custom of Ulster has splendidly succeeded." But that is not the custom of Ulster; it differs *toto calo* from the custom of Ulster. An essential part of that custom was that the landlord remained behind with absolute domination over all the transactions that might take place. If the price given in the sale of the tenancy was excessive, the landlord might interfere; if the tenant was objectionable the landlord might prevent him coming upon the estate. If the rent was too low the

landlord might raise it; the landlord always had absolute power in the background, whatever custom might prevail. Whatever traditions might induce him to waive rights in favour of the tenant, there he was the master. The holding had but one master; and it is to that arrangement the prosperity of Ulster was due. Do not, then, attempt to claim the example and precedent of Ulster in favour of an arrangement in which every atom of power is taken out of the hands of the landlords and given to a tribunal which may be, and I believe is, rather hostile to the landlords and favourable to the tenants. Now, what is the character of this measure? I think it is an utter misrepresentation of the Bill to represent it as conferring the custom of Ulster on the rest of Ireland, because the custom of Ulster had, as an integral and necessary part, the dominating power of the landlord. But let us admit it is the custom of Ulster; how shall we describe the proposal to confer that custom upon the tenants of the rest of Ireland, as against the landlords of the rest of Ireland, in places where it has not grown up, and, therefore, in places where the consideration which it doubtless represents has not been given? I will call two authorities to that question, and my first shall be Mr. Chichester Fortescue. On the second reading of the Land Bill, in 1870, he said—

"I do not know whether I make myself understood by the House; but, having looked closely into this matter, I feel strongly that there are great doubts whether what is called vaguely the extension of the Ulster Custom to the rest of Ireland would be fair either to landlords or tenants in that part of the country."—[3 *Hansard*, cxcix. 1442.]

This is what was thought in 1870 by Mr. Chichester Fortescue, a statesman who, I regret to say, has disappeared from the House of Commons. There is also another statesman who has disappeared from the House of Commons. It is melancholy how many of those who were defenders of the rights of the landlord have vanished from that Assembly. Sir Roundell Palmer, on the 10th of March, 1870, said—

"But when the right hon. Member for Liskeard (Mr. Horsman) said that the extension of the Ulster Custom to the rest of Ireland was open for our consideration, I must say that that does appear a manifest violation of the principles of justice, and to be impossible, if we mean

to respect those principles. It is unquestionable that where the custom obtains and landlords and tenants act on it in their dealings with one another, in such a case it is a matter of honesty for the landlord to allow the tenant to have the benefit of the custom. But when you talk of extending that custom to other parts of Ireland, you speak of a change which would alter the terms which, in those other parts of Ireland, have already been agreed on between landlord and tenant; and, therefore, if you gave in such a case to the tenant the value of the custom existing elsewhere, you would be just taking so much from the landlord and giving it to the tenant."—[*Ibid.*, 1666-7.]

These are the rhetorical doctrines for which I have just been rebuked. I should like to quote another opinion upon the general operation of this Bill. It will not be an English opinion; but I think a French opinion, coming not from any Conservative source, but coming from some of those who have seen Socialism worked where it was originally bred, may, perhaps, shed a useful light upon the procedure which Her Majesty's Government have commenced. This is from *The République Française* of the 9th of July. I need not remind the House, I am not quoting merely a newspaper, but I am quoting from the organ of the most powerful man in France. In England you cannot speak of a newspaper as being the organ of a statesman, because such a thing does not exist; but in France it is the habitual custom, and this fact is notorious. *The République Française* said—

"It is impossible to conceal the gravity and the delicacy of the responsibility assumed by the English Government. In order to form an idea of it, it is necessary to imagine the French Government proposing, or rather imposing, its mediation upon landed proprietors, fixing the rates of their rents, and obliging the landowner who desired to get rid of his tenant to buy his right of tenancy from him in ready money. Assuredly, people would say that this was decided Socialism (*du socialisme renforcé*), and they would be right."

This is the judgment of the organ of the man who represents the most Socialist constituency in Paris. I have quoted these opinions of distinguished men who were in the House of Commons, and of this distinguished organ abroad, because I shrink from using language of my own, as it has met with unfavourable criticism from the Prime Minister. He very much objects that a noble and learned Friend near me and myself have used the word "confiscation" in reference to his policy. I desire, therefore, rather to use the

language of other men, because I am aware, so long as the right hon. Gentleman is at the head of affairs, "confiscation" will be rather a monotonous word. The justification which is constantly advanced for all these restrictions of landlords' powers, which constitute this decided Socialism, is that it is to be done through the medium of an impartial Court. To my great astonishment, I heard the noble Lord opposite use that word. I did not expect that term to be used within these walls. What is this Court? It is a sound tradition that we usually abstain from criticizing Courts of Law, because their powers are strictly limited, and their character is well known, as they are constituted according to fixed traditions, they are free from Government influence, and we recognize their impartiality and freedom from bias. Of the three gentlemen appointed to be Commissioners under this Bill, and who are called a Court, I do not wish to say any word that could be thought to be personally derogatory; I have no doubt they are men of the highest character and purest motives; but that does not prevent them being men under the influence of the strongest prepossessions in reference to the matter with which they have to deal. They are all three strong Liberals, with strong views of tenant right. I believe that Mr. Vernon, whose qualities everybody has recognized, and who has not been a bit too highly praised, is the most Conservative of the three; but there is no doubt that all three are appointed with a strong prepossession in favour of views which are advocated by the representatives of the tenantry in Ireland, and which are deprecated by the landlords, to constitute a Court where the litigants will be landlords and tenants. Now, my Lords, to call that an impartial Court seems to me as reasonable as it would be to apply the term to an Ecclesiastical Court, appointed to decide some matter of Ritual or Creed, which would consist solely of High Churchmen or of Low Churchmen. They might be men of the highest character; but it would be ridiculous to speak of them as an impartial Court, where the prepossessions were not only avowed, but where those prepossessions were admitted to be one of the grounds for their selection. To say that this Bill is to be administered by a Court seems to me to be an abuse of words. A Court,

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as we know it, is a tribunal composed of men who are selected impartially, without special regard to their opinions on the matters with which they have to deal. It is also a tribunal which decides facts by a jury; if it does not decide them by a jury, it decides them subject to appeal. In all the law it administers it is strictly guided by tradition or by statutory law, which governs the discretion of the Judge and prevents him wandering to the right hand or the left from the narrow pathway prescribed to him. What is the case here? I suppose that Mr. Litton and Mr. Vernon will pair off, and the decisions will practically rest with Mr. Serjeant O'Hagan. I will not inquire into his past history, for his prepossessions are well known. He will decide absolutely on matters of fact without appeal. He is controlled by no authority whatever. There is in the Bill, as it is now on the Table, no words to guide him in exercising that which will be his chief and most important function—namely, the decision in the case of every tenant of what will be a fair rent; and, therefore, without control, without appeal, without guiding words, he, a man subject to known prepossessions, will have it in his hands to decide the incomes of every man—landlord or tenant—connected with agriculture in Ireland. It is impossible to call that a decision by a Court. The words of *The République Française* are more to the purpose when it said that they would be decided by the mediation of the Government. It is not the relegation of landlord and tenant to an impartial tribunal. It is Parliament and the Government coming down with an act of power, and imposing certain terms advantageous to the tenant, detrimental to the landlord, and imposing them without appeal. Why are we going to do these things? What reasons justify us in departing from the principles and breaking down the traditions by which our law has hitherto been nurtured. The noble Lord spoke much about the impossibility of freedom of contract in Ireland in the transactions between landlord and tenant. We have heard a great deal of that; but I have never been able to understand it. If, whenever the demand exceeds the supply, you say to the demander—"You are not at liberty to make your bargain in the open market," all transactions in the open market

will soon disappear. But these principles will apply also to other things. I wish the Government, when they are bent upon a revolutionary measure, and the only real motive at the bottom of their hearts is the tyrant's plea, necessity, I wish they would say plainly what the state of the case is, instead of spending their time in the mischievous task of finding principles to justify their acts. They have sent political economy to Jupiter and Saturn, and they have invented a doctrine of free contract which, if it ever comes to be applied to the industries in this country, will produce the utmost confusion and most bitter contention. The noble Lord seemed to have a particular regard for leaseholders, for he said that the leaseholder was a person who specially required the protection of the State when his lease terminated. And why did he say so? Because the leaseholder had invested his means in the improvement of the land, and when the lease came to an end there was a possibility that the rent might be raised. But, my Lords, strike "Ireland" out of the Bill, and insert "Scotland," and how will this doctrine read? By what possible means are you going to prevent tenants in other parts from claiming the extension to them of the extraordinary principles which the noble Lord has invented in order to disguise his acts? What may be the effect of this measure on the wage-receiving class I do not know; but it must be obvious that many of the arguments which are being advanced in favour of the tenantry of Ireland will apply equally well in favour of artisans. We are told that eviction is a sentence of death. That is a strong phrase. But is not dismissal from employment, when there is no other employment open to a man, sentence of death as well? We are told that there is land hunger in Ireland, and that the Irish tenant will not betake himself to any other employment than the cultivation of the soil. But is that not the case with the artisan, whose physical constitution is formed to the performance of certain functions, and who cannot adapt himself to any other mode of living than that from which the circumstances of the market drive him? And if you tell him that the market supply is not equal to the demand, that he is not free to make a contract, and that the House of Commons has a right

to come in and make it—will you not raise difficulties and excite bitternesses between the classes of which now you have little idea? There is another justification of this policy which is, I may say, so comical that I cannot help asking the attention of your Lordships to it. We are told that the Irish tenant has acquired a new property—a tenant right of land. And how do you think he has acquired it? He did not buy it; he did not earn it; but he got it because at a certain moment Mr. Gladstone and the House of Commons went to sleep. We have this strange statement attributed to the Prime Minister—

“It was not perceived by anyone during the passage of the Act of 1870 that the foundation of tenant right was being laid. The House was not fully conscious of the result of what it was doing. The object was to fine the landlord for ejecting the tenant. But the case now was totally different. They had now affirmed a real tenant right, and given the tenant the power of selling that right. That right embraced more than the mere value of the improvements.”

Well, my Lords, of all the extraordinary forms of legislation of which I have heard the form of legislation by inadvertence is at once the strangest and the most alarming. At all events, if it is really the case that the property of the landlord has been given to the tenant because, in one unhappy moment, Mr. Gladstone was inadvertent, let us take care that the inadvertence does not occur again. I do not know what inadvertence may not be concealed in this Bill. It seems to me that, in some of its doubtful and ambiguous phrases, and in some of the obvious tendencies of its provisions, Her Majesty's Government are preparing to commit an inadvertence. I entreat the House to take care that this capricious mode of conferring benefits on one class of subjects at the expense of the other does not receive any further extension. But, after all, the real argument of the noble Lord for this legislation is the necessity of restoring peace to Ireland. Her Majesty's Government tell us they are sending a message of peace to Ireland. I cannot help asking how messages of peace have hitherto fared when sent to that country by the Liberal Party? We are told that Ireland has increased in prosperity, and it is true; but it is true because she has had a large extension of communication by railway and steam such as other countries have

had. But if the object of messages of peace which we have been perpetually occupied for some time past in sending is to make the Irish more reconciled to English rule, I appeal to notorious facts when I say that these messages of peace have most lamentably failed. Ireland is more hostile—there is a greater area of hostility—and the hostility is more bitter to English rule than at any time during the last century. And how is this message of peace to work? What you want, surely, is the “precious gift”—as, I think, the noble Lord called it—of security. What you surely want is that there should be some prospect of the two classes that have been at issue agreeing to make up their differences. But that depends upon what you mean by the message of peace. If it is like the message of peace occasionally sent by a decaying Empire to its invaders—a message conveying spoil and tribute, and exhorting the invaders to retire or a time in consideration of what is offered, it is possible this message of the Government may have some of the success which such messages of peace ordinarily obtain. It is possible it may procure a respite, while the gains that have been obtained are being realized and distributed, with the certainty that in the future—and in a very early and immediate future—the invaders will return with larger and more formidable demands. But as a message of peace between the two interests, between landlords and tenants, how can you expect it to be successful? What will the state of the landlord's mind be after this legislation has passed? At least, he has no doubt of the effect, whatever you may have, that both by the Act of 1870, and still more by this Bill, he has been or will be stripped of many of the rights which he purchased or inherited. These rights have been taken from him, first by legislation at one time, then by legislation at another time, and he has observed that they have always come at moments of political exigency—after a particular verdict has been delivered by the electors at the poll. He has had many difficulties hitherto to struggle against. He has had all the difficulties of the climate, of the people, the difference of religion, and the historical difficulties in Ireland. But, up to 10 years ago—or rather, I might say, up to this present time—his one sure foundation was that

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the laws of property and the rights of property had been upheld by the Government under which he lived. Now, from this time forward, he will have to look upon the Imperial Parliament and the Government as one of his most formidable dangers. He will know that when the next electoral crisis arrives—when the next political exigency demands it—new requirements will be put forward by the Irish tenantry; and assuredly there is nothing in the past history of the English Governments, with whom they have had to deal, which would lead them to expect that those demands and requirements will be rejected. The landlord in Ireland seems to me from henceforth to be like a man living in a country ravaged by earthquakes. He never knows when an earthquake will come and destroy some portion of his property. All he knows is, that its advent is impossible to prophesy, and its power is impossible to resist. Or I might liken him to a man living in one of those countries; where the nature of the Government is arbitrary and severe—like a peasant, say, living in Armenia—who knows that when he has invested his money in the cultivation of his land, the Government itself can seize and take from him a part of the rights he possesses. He is unable to resist; but he knows it has happened in the past, and that it will happen in the future, and he is careful not to expose more of his property than he can help to such an untoward mischance. I do not rely merely upon my own opinion for what I say. I will read an extract from the letter of an Irish landlord, giving his view of the future; I will not give his name, for when talking of an Irish landlord you should not give his name, but he is well known to be a considerable authority. The letter is dated July 29, 1881. The extract says—

“It is certain after such treatment of those who have worked as I have done there is an end to all confidence. Instead of spending £800 a-year in permanent improvements, and much more in labour, on my farm, I have made up my mind to lay out no more money in any way, to put all the land I hold in grass, and draw all the money possible out of the country, and so to recoup for my children as far as possible the money of which I have been deprived.”

That is the feeling which is only natural to men who live by the land. Large proprietors may still afford to be philan-

thropic and to spend their money in Ireland; but those who deal with it as a matter of business will not expose more of their property than they can help to the risks of this predatory legislation. That is not the only evil. By this legislation you urge upon every landlord that he should take the utmost advantage of all the rights he possesses. The great object to be desired is that a landlord should not press his tenant too hardly. That is the condition on which they will live well together. Henceforth, however, you tell the landlord—“Your only chance of rescuing your property from these objectionable and humiliating restrictions is to obtain the pre-emption of it, and the sale of it by your tenant to you, so that you may enter into possession of it again.” The landlord will do this if he acts on principles of business, and it is only on motives of business you can calculate in legislation. He will watch his tenant for every default which may bring him within the cognizance of the law, and he will insist on his rent to the hour and the last shilling in order to be able to enter into possession of his property again. Of course, I am not saying that those landlords who can afford to act otherwise will not act otherwise—and I heartily hope there may be many who will; but as to those who will be guided by business principles alone, this is inevitably the course they must pursue. What will be the attitude of the tenant all this time? He, like the landlord, will be looking to the future, but in a very different temper. He knows perfectly well that all he has hitherto got he has not got because he has moved your convictions, but because he has moved your fears. He knows that he has obtained it by agitation. He is told in eloquent perorations that it is the result of the Divine light of justice; but he sees that justice is always on the side of those who can produce the numerical majority at the poll. Depend upon it, the Irish tenant will learn that lesson. You have not given him anything near all he demands. There is much more in the background; and the weapon which has obtained him satisfaction before will be used to obtain it again. He will resort to the agitation which has benefited him hitherto, with a sound conviction that it will not fail. On these grounds I cannot help feeling very

great doubt as to this Bill being a message of peace, even for a short time—I am certain it will not for any considerable period. Then the question arises, What course are we to take with reference to this Bill? My Lords, if I were responsible for the legislation for Ireland—if I had to frame and carry through a Bill for the purpose of settling these troubles, assuredly I should not choose such a Bill as this. It seems to me that in the holding of landed property there is no middle term between actual ownership as freeholder or copyholder and true tenancy, of course with proper protection for improvements. Any attempt to institute a tenancy which will be intermediate between these two conditions, and which, practically, results in a double ownership of the land, and, therefore, requires the supervision of the Court—any such contrivance seems to me to be condemned beforehand, because it has never yet occurred to any man or race, in any age or country, and by the nature of things it is foredoomed to failure. I confess I deeply regret that those parts of the Bill which refer to the purchase of land for the purpose of installing the peasantry as owners in some parts of Ireland have not received a greater development. I have regretted to see that as this Bill went on those parts have shrunk and shrunk in the importance and emphasis given them, till they are nothing but a tribute to the personal position of Mr. Bright. In that system there was far greater hope of the return of peace and prosperity to Ireland than in this strange plan of cultivating Ireland under the supervision of the Court. But, my Lords, we must consider the precise effect which the vote of this House of Parliament would have on the proceedings in and the state of Ireland. In discussing this matter, I am not advertising, even for a moment, to those foolish threats to which a Minister of the Crown did not think it beneath him to give vent last year in Parliament. As long as the House of Lords possesses prerogatives it must exercise them to the best of its conscience. The moment it ceases to do so it has practically ceased to exist. But there are things stronger than either the House of Lords or the House of Commons. The state of Ireland, the condition into which her popu-

lation has been allowed to drift by the culpable *laches* of the Executive Government, is a consideration which must greatly govern us in deciding on the course we shall take. It is evident that, even if we rejected the Bill, we should have little or no influence on the dangers to which I recently adverted—namely, the apprehension which would continue to haunt the landowner, or the undoubtedly unjust hopes which would continue to animate the tenant. Knowing, as he does, that he has been able by his agitation to force the Government and the House of Commons on his side, he will not abstain from that agitation, because the House of Lords is not on his side also. But there is a more serious consideration still. If this Bill is rejected on the second reading we must, of course, remember that we have not in our hands the Executive Government. We have no hold over the principles, or the policy, or the methods by which they will enforce the reign of law and order in Ireland; and, judging from the spirit and the success with which they did it last winter, the prospects for next winter, especially if it be the interest, not of themselves—they are incapable of such a thing—but of their partizans, to represent the anarchy as the result of the action of the House of Lords—are gloomy indeed. It is impossible to exclude that circumstance altogether from consideration, or to forget how many of the landlord class, with all the industrious members of the community, now look anxiously to Parliament to find some solution which may bring about a respite, if only temporarily, to the sufferings and anarchy they are enduring. I confess, though with some reluctance, these considerations have led me to the belief that it may be wiser for us not to vote against the second reading of the Bill, but to see whether, in Committee, we cannot remove from it some of its most glaring acts of impolicy, some of its greatest injustices, and then leave the measure, thus divested of features and accretions which, perhaps, do not rightly belong to it, to the responsibility of Her Majesty's Government. What I have not been able to conceal from myself during the passage of this Bill is that it corresponds little either with the promises made concerning it or the principles upon which it was supposed

to be based. We are told that it is based on the difficulty of obtaining free contract in Ireland. Well, then, are you right in applying it to the richer tenantry? Still more, are you right in applying it to those leaseholders who would, of all persons in the world, have a perfect knowledge of the engagements they entered into in signing a deed, and who, if free contracts were ever to exist in Ireland, must be fit subjects for it? Again, we are told that this Bill is introduced because the tenant does all the improvements in Ireland. But, then, on the estates in which he does not do all the improvements is this Bill to apply? That is a subject your Lordships will do wisely to attend to in Committee. There is another, and a much larger, and a more vital question. Of course, I am not going now to dwell on all the improvements which I think it would be well to consider in Committee. But there is one vital subject which I hope the House will not forget, and which, unless it is solved in a reasonable manner, will taint this Bill with a stigma of injustice which nothing can remove. The noble Lord has told us, again and again, that none of the provisions of the Bill are to interfere with a fair rent. What security have we for that? What is there in the Bill to show that this Commission, which is invested with these unlimited powers, may not, if it thinks fit, take into consideration the amount given in the purchase of the holding when they are fixing a fair rent? There is no definition of fair rent given in the Bill. The noble Lord tells us that everybody knows nothing is easier than to fix it, that everybody knows what it is. I have no knowledge of Ireland; but I can say that that is not true of England. There is no subject on which neighbours in this country differ more keenly. Everybody connected with Quarter Sessions has constant experience of it. I had a case the other day at the Quarter Sessions with which I am connected. The witnesses who appeared gave the most violently opposite estimates of the value of the land and the amount of rent proper to be fixed on it. It was evident that the most honest difference of opinion was entertained by all in the neighbourhood of the holding. In this, as in other matters, people will be unconsciously guided by their own interest and that of their class. You are not,

therefore, to suppose that this Land Commission will not feel, when settling a fair rent, this pressure of earth hunger which is supposed to overbear all the doctrines of political economy in some way or other. It seems to me a most serious danger indeed that the Court can be led, in considering the amount of a fair rent, to take into account the price—probably an exaggerated price—which the tenant has paid for his holding. When the tenant has paid that exaggerated price, and has got the fair rent reduced accordingly, at the next sale the price will rise because the rent is lower; and so, *toties quoties*, that process will go on until a considerable portion, if not the whole, of the landlord's interest disappears. If we had a Bill, perfect in all its parts, we might not be afraid of this result; but, knowing we have a Government before us which legislates by inadvertence, I exhort your Lordships to prevent any inadvertence by inflicting this great wrong on Irish landlords. These are some of the alterations which, I think, we may properly attempt when the Bill is in Committee. It will be time to judge of our future conduct with respect to the Bill when we have seen how far these alterations will be accepted when we shall be in Committee. In the meantime I, for one, shall give my vote for the second reading of the Bill, earnestly hoping that some of the anticipations of its authors may be realized, but not seeing myself, either in the provisions which it contains, or in the circumstances under which it has been introduced, any hope of that repose and that concord which Ireland so sorely needs.

LORD O'HAGAN agreed with the noble Marquess that this Bill should be regarded as an important measure. He thought it was the most important measure that, since the time of the Union, had been conceded to Ireland. He thought it was a great measure in its conception, a measure complete in its details, and a measure which, if there was no great falling-off in the progress of it, would hereafter be for Ireland a blessing and benefit of a valuable character. He fully understood the difficulty the Government had in making a case for it, and the number of considerations which might actuate anyone in opposing it; but he had little hesitation in saying that when they came face to face with

the objections that might be raised they would be easily disposed of. The noble Marquess had said that some of the clauses in reference to the purchase of land and the sale of it to peasant proprietors had shrunk in their progress through the House of Commons; but that was not correct, as they had, in his belief, been expanded.

THE MARQUESS OF SALISBURY explained that he meant that the clauses in question had shrunk in comparison with the form in which they were foreshadowed.

LORD O'HAGAN retorted that if that was the meaning of the noble Marquess his own statement had shrunk wonderfully. He would ask the noble Marquess to consider whether he was justified in condemning this Bill when the greater part of it was based upon the Report of the Richmond Commission. What was the question which had been most in controversy? Why, the security of the tenant in his holding. Great stress had been laid upon the security of the tenant in his improvements, and it was for the good of agriculture and the produce of the country that those improvements should be secured to him. To do that it was necessary that there should be legislative interference to protect him from an arbitrary increase of rent. Such a proposition did not seem at all unnatural. The landlord now could raise the rent at any time as much as he pleased, and the Report of the Commission suggested that such an arbitrary power should be restrained by law, and the tenant be protected in that respect. Now, in the suggestions of the Report were involved those principles in the Bill which had been condemned by the noble Marquess. Then the noble Marquess complained of the composition of the Land Commission; but it was one worthy of commendation. He (Lord O'Hagan) did not know what Mr. Vernon was. He might be as good a Conservative as the noble Marquess. ["No, no!"] Well, he had not pronounced himself on either side. The question was—Were the Commissioners honest and capable men? He fully believed that they were. The Commission was a very good one, and should not be condemned. Passing from these matters, he would call attention to the great objects of the Bill. He had lived long in Ireland, and knew something of the feel-

Lord O'Hagan

ings of the people, and he did not member any measure which had commanded such unanimity of support, without reference to Party and without reference to sect. The people supported the Bill because they saw it was being passed for their good. A great portion of the landed interest in Ireland supported the Bill. Indeed, the Conservative gentlemen of Ireland, long before this Bill was formulated, had come forward and asked that its principles should be the basis of legislation. The Bill had been accepted by the House of Commons and by the mass of the people of Ireland and he hoped it would become law. He admitted it was impossible that there should be judicial rents without a violation of the principles of political economy; but in reference to this they must remember that what suited one phase of society would not suit another. The people of Ireland almost exclusively depended upon the land for subsistence. The land was life with them; the want of it destruction. The Commission, he maintained, was justified in saying that freedom of contract did not exist in Ireland; and, therefore, the ordinary principles of political economy could not be rightly applied to the present state of things in Ireland at the present time. Another objection entertained by the opponents of the Bill was that it would subject the landlords to certain losses. But he believed that, if it were administered conscientiously and honestly, material injury would be done to the landlords. If a fair rent was what the landlord exacted now he would lose nothing, for the tribunal by whom the judicial rent would be fixed would be with perfectly impartiality, and would not diminish that rent. He held that the restoration of content in Ireland would be a most beneficial change for the landlords; and if the effect of the Bill should be to regulate affairs in such a way as to induce the payment of rent as determined by the Court, the landlords, instead of losing anything, would reap material profit. But the Bill undoubtedly did cause a loss. Landlords would no longer be able to do exactly what they pleased with their own. They would no longer be able to make clearances, or to place one tenant here and displace another there. In fact, the amenities of landlordism would be lost to the landlords. But was not the pr-

sent condition of things already such as to limit the landlord's power? It was the landlords' boast that the power of eviction was exercised in a number of cases infinitesimally small, and that they had practically given up their power of eviction. Therefore, without the operation of the Bill, the landlords had of their own accord abandoned one of the amenities of their position. It was said that the landlord would have diminished power, though he might not have diminished wealth, and to most men the loss of power was not agreeable. But might it not be suggested that the course of events had already greatly shortened the landlord's aim, and limited the sphere of his old dominion? The Act of 1870 was undoubtedly inconsistent with the claims he would have made in former times, and those who were parties to that Act committed themselves to the principles by which the present Bill was justified. Then, might it not be asked whether, practically, the landlords of Ulster wielded less legitimate power because of the restraints of tenant right? He thought the answer must be in the negative, and so tend to diminish exaggerated fear of change. But might it not be said that Irish proprietors, and the vast majority of the Irish people, recognized an inevitable necessity for alteration in the territorial system of the country? That alteration would not be without its compensation if the new condition of things promoted peace and order. Establishing the supremacy of the law in the affection of the community, giving them a new sense of security, and a new impulse to industrial effort, would surely compensate for personal sacrifices of sentiment and pride. Another objection to the Bill, and one which prevailed to a great extent with society, was the supposition that if this Bill were passed for Ireland a similar measure must be passed for England. In fact, *proximus erdet*. It was forgotten by those who put forward this argument that the circumstances of the two countries were absolutely different; that they differed in history, traditions, and habits, and in the mode of living upon the land. In Ireland the alternative occupation was wanted which in England enabled men to deal fairly with their fellow-men upon a footing of perfect equality. The noble Duke (the Duke of Argyll) had stated in a pamphlet that the confiscations that

had taken place in the past had no bearing on the present state of things. In this he differed from the noble Duke, for confiscations had produced a division of classes in Ireland, a dominant and servient class, and been a disturbing force in Irish affairs, which to this hour operated to the injury of the country. But confiscations should not alone be referred to in this connection. It was not merely confiscation, but the smothering of manufactures in Ireland which had produced the existing state of things. The noble Marquess had referred to that question in a touching speech which he delivered last Session. Manufactures in Ireland were destroyed. The commerce and trade of Ireland were destroyed. Thousands of families were thus at once deprived of their means of living. Ireland had never recovered from the effects of that black and dismal time. There was no fair reason for any English landed proprietor to fear that he would be subjected to any of the treatment to which Irish proprietors would be subjected under this Bill. But he wished to make this remark. When the Irish Church Disestablishment Act was passed the same kind of argument was used as their Lordships had heard that evening. It was said that the disestablishment of the Irish Church would lead to the disestablishment of the Church in England. But was there a man living who, in his conscience, believed that the Church established in England was a bit less strong for what had occurred in Ireland? Was there anyone who believed that the removal of that great abuse had not strengthened the Church of England? There were many in this country who, not agreeing in the doctrines of the Church of England, still regarded her as a serviceable breakwater against the infidelity which was now so widely prevalent. Those persons who held such opinions, if the question came to-morrow whether the Church of England should be disestablished or not, would strongly oppose her disestablishment. They might believe him that, to maintain wrong in Ireland, would not, in the least degree, prevent the doing right in England; neither would doing right in Ireland in the smallest degree affect the prosperity of England. Let them fear nothing except the unanswered cry for justice; let them fear only that neglected appeals for mercy would result in

creating grievances which would operate largely to the evil of both countries. With respect to the actual proposals of the Bill, he would remark that it did not contain, as it was alleged to contain, the "three F's" pure and simple. It contained only two F's—fair rents and free sale. Fixity of tenure it did not confer; but it gave security of tenure. The Land Question was absolutely forced upon the attention of the Government. As to fair rents, it was all that the landlords themselves claimed, and the Bill could secure no less for the tenants. If the Party represented by the noble Marquess opposite had come into power, they could not have avoided legislation on the subject. There was a universal sentiment that the Land Act of 1870 had not fulfilled its office, and there was a feeling of discontent and dissatisfaction that in Ulster the rent was nibbled at, and then came the distress which culminated in the year 1880, making Ireland the centre of commiseration on the part of the civilized world. Of those sad circumstances the present measure was the outcome, and its authors should not be blamed for trying to make it adequate to the occasion, so comprehensive in its provisions and far-reaching in its efforts as to accomplish a permanent improvement, and, if possible, prevent further complaint and further agitation. He wished to quote the opinion on the subject of Mr. Kavanagh, a gentleman entitled to consideration, and who had proved his independence by refusing to join in the Report of the Bessborough Commission, and making a Report himself. In that Report he said—

"The weight of evidence, however, has proved that the question of rent is at the bottom of every other, and is really, whether in the North or the South, the gist of the grievances which have caused much of the present dissatisfaction. I think the evidence suggests the conclusion that the Land Act as now in force does not afford sufficient protection to the tenants against the unjust exercise of the power to raise rents in unscrupulous hands; and although I admit that in adopting the suggestion of a system of arbitration for the settlement of disputes as to rents and other matters of valuation, I am endorsing an interference with rights of property and freedom of contract open to grave economical objections, and which to the great majority of landowners who have not abused their powers will, I have no doubt, appear unwarrantable, yet, having regard to the mischief which the unjust exercise of the power has occasioned, I can come to no other conclusion than that in any proposed alteration of present rents, whe-

ther at the instance of landlord or tenant, when the two parties cannot agree the question should be left to arbitration, with final reference, in the event of the arbitrators being unable to agree upon an umpire, to a Land Court or Commission which should be appointed for that and other purposes."

That was the opinion of a gentleman beyond all impeachment, a man thoroughly acquainted with Ireland, a man of large property, and who gave his entire attention to the ample evidence which was laid before the Commission. That Commission examined some 150 landlords and agents, and some 500 tenant farmers. He would also like to call attention to a Conservative meeting which was held in Armagh before the present Bill was formulated, at which Sir James Stronge presided, and at which Mr. Maxwell Olose was present, where they actually passed resolutions proposing arbitration with regard to rents, and thus foreshadowing what was afterwards embodied in the Bill. Taking into consideration the recommendations of the two Commissions, he asked the House whether a stronger case was ever presented in support of legislation than had been made out now? The case of fair rents had been sustained by Mr. Kavanagh, by the Conservative gentry of Ulster, and the Liberal gentry of Ireland. If they admitted that a case for fair rents had been made out, free sale followed as a necessary consequence. There had existed at all times in Ireland an understanding which amounted to a practical rule that the tenant had a vested interest in his holding never claimed or conceded in England. At Common Law a tenant from year to year had a perfect right to sell, and unless that right was taken away by contract or custom, that right was as good as any other in the world. It was said that this right was injurious to the worth of a farm—that it took away the capital which a man ought to invest in his farm. The tenant farmers in Ulster understood their interests and their rights as well as any people in the world, and if there was anything they valued as the apple of their eye it was the possession of this tenant right of Ulster. It had been truly said by a gentleman who gave evidence before a Committee of their Lordships that if the tenant right of Ulster was assailed, all the force at the disposal of the Horse Guards would not suffice to keep Ulster down or to pre-

serve the peace in that Province. Why, then, should the advantages of free sale not follow upon a fair rent? He rejoiced that in one matter they were agreed. He rejoiced to find that the noble Marquess desired to see created in Ireland a yeomanry fixed in the soil. Nothing was more desired by the people themselves. For many years he had longed to see the day when that might come, and that the chasm between wealth and poverty should be bridged over. It was desirable that they should have a yeomanry as England had, happy in their hearths and homes, and faithful to the Constitution. Whatever assaults might be made on other parts of the Bill, he hoped this would be left unassailed, as it was, he believed, unassailable. Then they might hope to see a body of people planted in the soil, giving hostages to fortune, and bound by interest as well as duty to maintain law and order, and promote the public peace. He looked upon this Bill as a great measure, vast in its conceptions, complete in its details, and certain to confer hereafter the greatest blessings on Ireland. The House would not reject, and he begged them not to emasculate it. He did not think that the Government could regard it as a mere measure of Land Reform; he thought it was an honest effort for the redemption of a people. Fortune had been wayward to Ireland for many dismal centuries; but if the Irish tenant were placed under just laws—under a law such as this measure would enact—he would play his part nobly in the battle of life. Ireland had already achieved many things—she had achieved religious equality, extended civil rights, and diffused education; and now, he was happy to see, it was proposed to give her an opportunity of securing for her sons a higher education. All these things were desirable; but the passing of this Bill would give Ireland great material advantages; it would remove a secret scourge, and make Irishmen loyal and happy.

THE MARQUESS OF LANSDOWNE: My Lords, it was impossible to listen to the speech of the noble and learned Lord who has just addressed the House without feeling that he was convinced of the necessity and of the justice of this measure. In the eloquent peroration with which he concluded he has told us that we have only to pass this Bill in

order to make Irishmen loyal and happy. My Lords, if eloquent perorations could regenerate a nation, Ireland would be the most prosperous and the most contented part of the United Kingdom. Your Lordships will, however, excuse me if I pass from the peroration of the noble and learned Lord to the dry details of the Bill which we are about to discuss.

The first impression which that Bill produces on the mind of the reader is that it is one of the most composite measures ever submitted to Parliament. Now, I do not wish to complain of that. The circumstances of Irish land tenure are so various in their character that a certain amount of variety and elasticity are indispensable in any measure intended to deal with them. Elasticity, however, is one thing, and inconsistency is another; and it certainly appears to me that there is something approaching to inconsistency, if not to antagonism, between the earlier and the later provisions of this Bill. On the one hand, Her Majesty's Government propose to offer large inducements to the tenantry of Ireland to become proprietors of their holdings. That is a proposal which entirely commends itself to my judgment. I approve of it for many reasons: by conferring upon a large number of the peasantry of Ireland the position and the responsibilities of ownership, you will at once encourage them to thrift and industry, and you will besides accustom them to the idea that their success or failure in their vocation depends upon themselves, and that they must look to their own exertions rather than to the assistance of their landlords or of the State, if they intend to surmount the difficulties which they have to encounter. Nothing will add so much to the stability of the social system in Ireland as a large addition to the number of owners of land in that country; nothing will do so much to prevent recurrent demands for extreme legislation, and the expectation that those demands are to be satisfied by the introduction of a new Land Bill once in every ten years.

I will make one observation only with regard to this part of the Government measure. These new proprietors who will come into existence under the Purchase Clauses will, it may fairly be assumed, in some cases not care to occupy their holdings or to work their

land themselves. In this event they will let their farms, and thus the relation of landlord and tenant will re-arise. Now, I observe that all tenancies created after the passing of this Act are to be "future" tenancies, and that the tenants of such future tenancies are not to enjoy the same privileges of access to the Court and protection from exorbitant rents which the Bill accords to tenancies already in existence. This being so, I should like to ask your Lordships whether it is quite clear that these new landlords will prove fit to be trusted with an amount of liberty which you altogether deny to the present race of landlords? I confess that our experience of the conduct of Irish tenants, when any accident places them in the position of landlords over sub-tenants of their own, does not inspire me with much confidence that they will use wisely the discretion which you are ready to intrust to them, but with which you will not intrust the persons who are at this moment owners of Irish estates.

I must, however, admit that, in my opinion, this danger, if it exists, is not a very imminent one. I doubt extremely whether we are likely to be confronted with a very large number of these new proprietors, and for this reason—While you are, with one hand, offering to the Irish tenants these facilities for acquiring the fee simple of their farms, you are, with the other hand, strengthening their position as tenants to such an extent that there will be little, if any, inducement to them to give up that position for the position of proprietor. Why, I would ask the House, should one of these men submit, as he will probably have to do, to an addition to his rent for 35 years, why should he substitute for a landlord from whom he has a good deal to hope and very little to fear the stern and inexorable landlordism of the State, merely in order that at the end of those 35 years his successors may have a chance of becoming owners of the fee simple of the land? The two proposals, my Lords, appear to me to be in opposition to each other. Her Majesty's Government are running two horses, and cannot win with both. It would be interesting to know upon which of the two they really rely. I have observed lately that whenever any suggestion is made with the object of

accelerating or simplifying the operation of the Purchase Clauses, a cry is raised that the public purse is in danger, and that we must be very careful what we are about. I draw my own conclusion from these facts; it is to the effect that the real proposals of the Government are to be found in those clauses which deal with the question of tenure, and that the scheme for creating small proprietors is likely to prove little more than a sterile expression of those uncharitable feelings towards large proprietors which some Members of the Ministry have never cared to conceal.

I will, therefore, my Lords, with the permission of the House, say a few words with regard to the proposals of the Government on the question of tenure. I confess that those proposals appear to me to be open to suspicion, both on account of the circumstances under which they are made, and on account of the arguments which have been used in their support. And, first of all, I desire to raise my protest against the argument that this Bill is a legitimate development of the Act of 1870. This Bill, my Lords, is no development of the Act of 1870. It is the repudiation of the Act of 1870 by the Ministers who were its authors. We are told that, in assenting to the 3rd section of that Act, we unconsciously committed ourselves to the principle of this Bill; we are told that that clause conferred upon the tenants of Ireland, if not a proprietary right in their holdings, at all events something which was undistinguishable from such a right. I own that I am filled with alarm when I contemplate these unconscious exercises of our predatory instincts. I venture, however, to submit to your Lordships that this theory is not one which will bear examination. We passed the 3rd clause of the Act of 1870 not inadvertently, but with a full knowledge of what we were about. Allow me to remind the House of the facts. Parliament, it is true, consented to confer upon the tenants a right to compensation for "disturbance" over and above anything which they could claim on account of improvements; but in doing so it imposed two limits, distinctly expressed, upon the concession. In the first place, we limited it to the smaller tenants, on whose behalf a special and, to my mind, irresistible appeal was made to us. They

were the men of whom the noble Duke (the Duke of Argyll) spoke to us with so much feeling and sympathy a few nights ago—the men whom the neglect or mismanagement of our predecessors brought into their present position. To those men a mere payment for their scanty improvements, often valueless in fact, but perhaps representing the toil of years, would be no consolation for the loss of their homes, miserable though those homes might be, and for this reason their case was specially dealt with. That was the first limit; but there was a second and not less important one. These tenants were to be entitled to this compensation only in those cases where they were arbitrarily removed from their holdings by the landlord, so that the payment which was to be a solatium to the tenant was to be also a deterrent to the landlord, who would find that a capricious exercise of his rights would involve him in considerable expense. I believe there is no doubt as to the historical accuracy of this account. It is confirmed by the fact that the scale of compensation is to be explained on no other assumption. The sum which the tenant can claim under that scale varies inversely with the size of his holding; in other words, the landlord has to make the heaviest payment where the tenant's interest is presumably least valuable, but where the temptation to obliterate the holding is presumably greatest. That was the arrangement of 1870, and I believe we entered into it knowing perfectly what we were about. If, however, there is any doubt on this point, I will remind your Lordships of what was then said in "another place" by the noble and learned Lord upon the Woolsack, then Sir Roundell Palmer, who certainly appreciated very clearly the nature of the proposals which were then under discussion. Sir Roundell Palmer, my Lords, speaking on the 4th of April, 1870, of this 3rd clause, used these words—

"I must express my opinion that in giving this compensation the most extreme caution is required, because unless in its practical application you keep the principle within proper limits, and accompany it with all reasonable checks, it will become an invasion of all the rights of property."—[3 *Hansard*, cc. 1211.]

What were the limits, then, in the noble and learned Lord's contemplation? He proceeded to describe them—

"If," he said, "there is a tenant from year to year of 500 acres at £2 an acre, that tenant

cannot receive notice to quit without being enabled to call upon his landlord to pay him a year's rent under this new scale. Well, Sir, that is perfectly extravagant."—[*Ibid.* 1214.]

And further on he continued—

"I am satisfied, from all I have heard of Ireland, that tenancies of land, valued at £50 a-year and upwards, are not tenancies of the class which requires this extraordinary legislation. I am convinced that we may safely except them altogether from the Bill."—[*Ibid.* 1215.]

That, my Lords, was the opinion of the noble and learned Lord in 1870. The two limits were clearly expressed then; both of them are swept away now. The proprietary rights conceded by this Bill are conferred indiscriminately upon all tenants large and small; the landlord is deprived of the power of capriciously removing his tenant, and as the tenant's right to claim compensation in a contingency which cannot arise will be valueless, that conditional and contingent claim is converted into a substantive right saleable by the tenant, and, as I shall show your Lordships, realized by him to the ultimate detriment of the landlord's interest in his estate.

There is another argument to which I would refer in this connection. We are told that the Land Act of 1870 has proved a failure, and that new legislation has been rendered necessary, owing to the alterations to which that Act was subjected at the instance of the landlord party, and notably owing to the mutilations which it underwent at your Lordships' hands. Now, I should like to say a few words as to these alterations and mutilations. I cannot, of course, enter upon an examination of every Amendment which was made in the Bill during its passage, but I will take three of the points upon which most stress is laid by those who insist upon this theory. In the first place, it was, no doubt, the original intention of Her Majesty's Government, as expressed in the Prime Minister's speech in moving the first reading of the Bill, that the limit below which no tenant should be allowed to contract himself out of its benefit should stand at £100. That limit was, we are told, lowered to £50. This change was, it is true, not made in your Lordships' House; but it is represented as having been the work of what is spoken of as the landlord party elsewhere. Now, what are the facts? I observe, on reference to the Reports of what took place

in the other House, that £50 was the limit which the Government, through the mouth of the Lord Privy Seal, then Mr. Chichester Fortescue, themselves suggested as that above which "perfect freedom of contract" ought as a matter of justice to be allowed to the parties. There was no discussion and no resistance. The change of the limit affected no more than 24,000 out of the 600,000 occupiers of land in Ireland, and those 24,000 were the very men whom the noble and learned Lord on the Woolsack described in the debates from which I have already quoted as being men of a

"Superior class who had no moral claim to be relieved from the contracts which they might make,"

and whose inclusion in the Bill would constitute an "invasion of all the rights of property."

The second "mutilation" was one which occurred in your Lordships' House. It had reference to the tenant's right of assignment. Every tenant had, as we are all aware, at Common Law, a right of assigning his interest in his holding. As, however, the landlord had also the right of refusing to accept the assignee, it is evident that the tenant's right was merely technical and of no practical value to him. Your Lordships finding that, under the provisions of the Bill, the assignee might put forward a claim to be compensated if the landlord refused to accept him, inserted an Amendment to the effect that he should not be entitled to compensation, or, in other words, that he should not be regarded as having been capriciously disturbed by the landlord, unless the landlord had first agreed to accept him as tenant. Now, it was objected to this Amendment that in some cases, where, for instance, assignment without the landlords' consent had been usual, the assignee might have some cause for complaint if he were absolutely precluded from compensation, and accordingly a suggestion was made that the operation of the Amendment should be limited to estates upon which it was the clearly established custom not to permit assignment without the concurrence of the landlord. From the manner in which the action of your Lordships in regard to this provision has been criticized, I own that I was under the impression that the suggestion which I have described had proceeded from some ingeniously minded

Peer on the opposite side of the House. On reference, however, to the records, I find that the suggestion came from the noble Earl the Secretary of State for Foreign Affairs (Earl Granville), who made the proposal without a word of protest, and apparently as affording, in his opinion, a perfectly just and equitable solution of the difficulty.

I will refer to one more case of alleged mutilation. When the Bill came up to your Lordships it contained a clause under which the Court was empowered to allow the tenant compensation for disturbance upon "special grounds," even though he might be evicted for non-payment of rent, and, therefore, *prima facie*, not entitled to such compensation. This clause your Lordships undoubtedly amended: you struck out the reference to "special grounds," and you inserted words to the effect that compensation, where the eviction was for non-payment, should be given only where the landlord had allowed arrears of rent to accumulate over the tenant's head for more than three years, or where the Court should be of opinion that the rent itself was an exorbitant one. Now, your Lordships, perhaps, imagine that this alteration was imposed upon the Government, and accepted by them reluctantly, and under protest. Nothing of the sort. When the matter was under discussion the noble and learned Lord who was then and is now Chancellor for Ireland rose in his place, and explained that these cases were not only the sort of cases, but that they were the only cases for which the Government had intended to provide, and thereupon, at the instance of the noble and learned Earl (Earl Cairns), and with the full concurrence of the Government, the clause was amended so as to make it point directly at these two cases. These, my Lords, are the moleheaps out of which mountains of argument are constructed. The statement is repeated until it obtains belief, and the public is persuaded that your Lordships deliberately spoiled a great measure which would have worked well if it had passed in the shape in which you received it. I trust it will not be forgotten that these three acts of mutilation, which are the stock-in-trade of those who have adopted this theory, were carried out with the full and expressed approval of a Triumvirate consisting of the noble and learned Lord on the Woolsack, the noble

Earl the Secretary of State for Foreign Affairs, and the noble and learned Lord the Lord Chancellor of Ireland. It is also not unworthy of remark that very little was heard of those mutilations until after the outbreak of the agitation now prevailing in Ireland, and after the Government had determined to abandon their old lines and to make a new departure in legislating as to Irish land. A few months ago the country was described by the Prime Minister as being in a condition of unexampled prosperity: the Peace Preservation Acts were not renewed—not a word was said as to the necessity of a revolution in the Land Laws. It is only when the disorder of the country, after being allowed to run on unchecked, becomes intolerable, that we make this opportune discovery, and find out that whatever goes wrong on the other side of St. George's Channel is due to half-a-dozen insignificant Amendments made ten years ago in the Irish Land Bill. Arguments of this kind, my Lords, are used for the purpose of bolstering up a weak case. Ministers arrive at a hasty conclusion; they allow their hand to be forced, and then, desiring to justify their action, they catch at any pretext, at any plausible theory, in their endeavour to justify the position into which they have allowed themselves to drift.

My Lords, I am certainly not one of those who believe that the settlement of 1870 was a perfect settlement. It was, I believe, imperfect in many respects. With regard to one point, I entirely share the opinion of the noble Earl (the Earl of Bessborough) and his Colleagues. It seems to me that where landlord and tenant are unable to agree upon a mere question of rent it should be possible for either to appeal to the Court for its arbitration, without first compelling the landlord, as he is now compelled, to put an end to the tenancy, so as to bring the question before the Court as a question of compensation to the tenant for his loss on quitting his holding. That is a point which requires consideration, and there are, no doubt, many others; but remember this—we are not asked to remove blots and imperfections in the existing system, but to substitute for it an entirely new one; and I own that I am wholly unable to see why, because a few such blots have been discovered, why, because the Bessborough Commis-

sion have brought to light a few more or less apocryphal cases of misconduct on the part of the landlords, whom the Prime Minister has acquitted as a whole, we are to concede to the tenants of Ireland those "three F's," which, until a few weeks ago, every Minister sitting on the Bench below me regarded as outside the possibilities of Irish legislation.

The fact is, my Lords, that this is not an attempt to remove imperfections from the existing law. It is an attempt to quell an agrarian rebellion by the wholesale concession of proprietary rights to the peasantry of Ireland—a concession which has been extorted by violence and agitation. These rights you are asked to create: do not let us be deluded into the belief that we are merely going to recognize and legalize something which exists already. The Lord Privy Seal says that the concession is called for, because the Irish tenants have executed improvements on their holdings; but you are asked to concede the same privileges even if the tenant has never expended 6d. upon the permanent improvement of his farm. The Lord Privy Seal, unintentionally, no doubt, took us into his confidence as to these improvements, upon which he rests his case. He told us, in the speech to which we have just listened, that the improvements in Ireland "had almost all to be done," and the buildings "almost all to be built." What, then, becomes of the argument founded on the tenant's improvements? But the Lord Privy Seal referred, also, to the general prevalence of local customs as favouring the contention that the tenant had a *quasi*-proprietary right. I was under the impression that those local customs were adequately protected under the existing law; but, be that as it may, this Bill gives free sale to every tenant in Ireland, whether a local custom does or does not prevail in the district, and, which is the hardest case of all, even where the tenant's interest under such a custom has been bought and extinguished by the landlord at the express invitation of the Legislature, as declared in the 1st section of the Act of 1870.

I should like your Lordships to consider for a moment what are the factors in this saleable right which we are about to confer upon the tenants. They are obviously two—the rent at which he will hold his farm, and the term during which it is

[First Night.]

secured to him. The rent is, I observe, to be "a fair rent;" and I presume no one objects to that. I must also admit that this part of the Bill has been greatly improved by the omission of some of the words which it originally contained. The general direction given to the Court to consider all the circumstances of the case, holding, and district, is, I think, a sufficient one; and I regret that to that direction should have been added another to the effect that the Court is also to "have regard to the interests of the landlord and tenant respectively." These are plausible words; but, in my opinion, they are, if they have any meaning, full of danger. Take, in the first place, the reference to the landlord's interest. The landlords, I am sure, will be grateful for the admission that they have an interest; but I should like to know how the Court could possibly determine the letting value of a holding without reference to the landlord's interest? The reference to the landlord's interest is surplusage; but it is mischievous surplusage, for the words are made an excuse for directing the Court to have reference in fixing the rent to the tenant's interest; and, unless I am much mistaken, this direction will be regarded as mandatory on the Court to reduce a rent—which may originally have been a perfectly reasonable one—in order to protect and keep alive the newly created interest which this Bill gives to the tenant, and which, judging from past experience, will, in many instances, become inflated to a very extravagant amount.

I will not, however, press this point further, and I will pass to the term for which the tenant is to be secured in his holding. I heard with great pleasure the frank admission of the Lord Privy Seal that he "was not ashamed of the 'three F's.'" I wish equal frankness had been used throughout by his Colleagues, and that we had heard a little less of those ingenious distinctions between fixity of tenure and "the very little f" of which the Prime Minister admitted the existence, and of the difference between perpetuity of tenure on the one hand, and continuity and durability of tenure on the other. These extenuations are ominous for the future, when we consider that they are resorted to by the statesman who may be

regarded as the inventor of the germ theory in politics, and whose colossal ingenuity was able to discover in the moderate legislation of 1870 the principles of the Bill now before the House. The motives, however, of those who talk of "little f's," and who otherwise extenuate the concessions of the Bill, are obvious enough. The extenuations serve a double object—they serve to vindicate the consistency of the Ministry, most of whom have, at one time or another, demonstrated the injustice and the impracticability of these very concessions; and they serve, also, this purpose—that in whatever proportion Ministers are able to minimize the concessions which they are making to the tenants, in the same proportion they are able to minimize the claims which may be put forward by the landlords, at whose expense those concessions are to be made, to be compensated for the loss which they will sustain. My Lords, that which this Bill gives to the tenant is perpetuity of tenure, subject to revision of rent at intervals of 15 years; we are told that the landlord is to have the power of resumption, and that resumption is inconsistent with perpetuity. What is the landlord's power of resumption under this Bill? It arises when the tenant wishes to sell, or when he has violated the statutory conditions, or when, after 15 years, the landlord can satisfy the Court that it is for the interest of the holding or estate that he should resume upon full payment to the tenant of any compensation which the Court may consider to be due. As far as I am aware, none of the advocates of fixity of tenure ever proposed that the tenant should retain his holding, whether he paid his rent or not, whether he burned his land or not, whether he wished to sell his interest or not. Those who deny the existence of fixity of tenure in this Bill first attach to that expression a sense which no one ever attached to it, and then, having shown that the provisions of the Bill do not give fixity in their sense of the word, they proceed to argue that there is no fixity in the measure. These refinements upon the meaning of words may be an agreeable intellectual exercise to those who indulge in them; but no one is deceived by them. The landlords are not quite so foolish as to be misled by them; the tenants are quick witted enough to take them for what they are worth.

The Marquess of Lansdowne

The English public will, at any rate, have no one but itself to blame if it misapprehends what is taking place, for on the day after the Prime Minister had delivered his elaborate disquisition upon the difference between durability and perpetuity of tenure, two of the leading organs of Liberal opinion took him to task—the first congratulating him on the “exquisite felicity of his language,” but pointing out to its readers that it was “nothing much higher than a play upon words without any very practical issue;” the second mildly reproving him for what it termed his “needlessly candid deterioration of the measure.”

And now, my Lords, I will, with your permission, say a few words as to the position in which this Bill will leave the two parties whom it affects. Let us, in the first place, consider the position of the tenants: it may, I think, be disposed of in a few words. The advantages which this Bill confers will be limited to the tenants already upon the land, who will be liberally endowed and given the power of selling that which they never bought. The future race, who will in process of time replace these, will gain no such advantage. They will pay two rents, one to the landlord and another to their predecessors; and they will, in too many cases, be driven into the arms of the local usurers and money lenders, whose authority will, to a large extent, replace that of the landlords. These seem to me to be the obvious consequences of the Bill. That it will be to the advantage of the existing tenants only is admitted by a high authority on these matters, the Colleague of the noble Earl, Baron Dowse, the agricultural Commissioner. “The people,” says Baron Dowse—the remark is one which he interpolated during the examination of a witness before the Bessborough Commission—“who require protection are those that are in, not those that are out.” Everything, in other words, is to give way to present convenience. We have all heard the saying, “Posterity never did anything for me, why should I do anything for posterity;” and we have always understood that the words were those of a distinguished but unknown Irishman. Is it possible that the author of the aphorism is at last revealed to us in the person of the learned Member of the Bessborough Commission? Such will be the position in which this

Bill will leave the tenants of Ireland—a position which those who are fortunate enough to be in occupation of land when this Bill passes will, no doubt, find extremely advantageous to their pockets. I leave it to your Lordships to judge how far, if we look to the ulterior effects of the measure, the tenants are likely to be benefited by it.

And now, my Lords, let us pass from the tenant to the landlord, and consider how he will be affected by the change. By this Bill, in the first place you deprive the landlord of two of the principal attributes of ownership—the right of determining whether he will or will not let his own land, and the right of selecting the person to whom he wishes to let it. The owner of a farm may in past years have let the land for 30s. an acre. He may be willing and glad to let it at that rate; under this Bill he is liable to be told that, whether he likes it or not, he is to let it at 20s., even though he may much prefer to retain it in his own hands rather than part with it upon such terms. When this Bill has become law, any tenant who happens to be in occupation of a farm may dispose of it for the best price which he can obtain to some person in whose selection the landlord has neither voice nor part. Even the stony hearts of the Bessborough Commissioners are a little touched at the hardship of the step. The Commissioners say—

“The right of free sale, even more than fixity of tenure, interferes with the landlord’s right of control over his property, in respect of his power to choose the tenants by whom he is surrounded, and to surround himself with those whom he prefers. It renders him liable to the intrusion of a tenant to whom he may have a strong personal objection, unless that objection should fall within the definition, as interpreted by the tribunal, of a reasonable veto.”—[*Report of Bessborough Commission*, par. 77.]

The Commissioners conclude by the observation—a somewhat wonderful one—that the right in question “is not calculated to lessen the value of the landlord’s property.”

We shall, perhaps, hear that the landlord has his remedy either in the exercise of the veto accorded to him, or in that of his right of pre-emption. The exercise of the right of pre-emption means that he will have to pay 20 or 30 years’ purchase of the rent for the sake of buying back his own estate, probably making enemies of half the

country side into the bargain. As for the veto, that, in a large number of cases, will be absolutely valueless. The purchaser may be a person unknown to the landlord; he may come from a district notoriously disaffected; he may be a returned American, with ideas of his own as to the use and abuse of revolvers. How is the landlord to discover his antecedents, or to produce proof of them in Court, unless he is prepared to attach to the estate a sort of private inquiry office for the investigation of the character and circumstances of every intending purchaser? My Lords, it is a singular circumstance that this proposal to substitute for the selection of the landlord selection according to the length of the incoming tenant's purse comes to us from Ministers who, 10 years ago, abolished purchase in the Army, in order to substitute selection in its place; who, 10 years hence, will very likely abolish purchase in the Church; and who are the ardent advocates of promotion by merit in every Profession and every branch of the Public Service. Perhaps I shall be told that there is a wide difference between the case of the officer and the case of the farmer. I admit it; but that difference appears to me to be this—that the officer did not require the capital which he paid for his commission in order to serve the Queen efficiently, whereas the Irish farmer unquestionably does require his capital—which he will henceforward have to pay away for the goodwill of the farm—in order to cultivate it with success.

I say, then, that the change which we are about to make will deprive the landlords of two valuable incidents which have hitherto belonged to the ownership of land; and, if this be so, it must lead to a large diminution in the value of every estate in Ireland. I should like to notice, at this point, a statement that has been made—one, I think, of the most extraordinary of the many extraordinary statements made in support of this measure—that the Land Act of 1870 raised the selling value of property in Ireland, and that this Bill, which goes much further than the Act of 1870, is likely to lead to a further increase in the price of land in that country. My Lords, it might well have been the case that the price of land had risen after the year 1870. We had immediately afterwards more than one

very prosperous season. Again, several of the estates sold in the following years were let at very low rents, and, consequently, fetched a large number of years' purchase of the rental. Nor must we forget that the settlement of 1870 was accepted at the time as final, and that a sense of security likely to be reflected in the land mart was thereby created. Under such circumstances, even if the prices fetched by land in the years which succeeded 1870 had been higher than the prices of the preceding years, I should have been slow to admit that the legislation of that year was the cause of the rise. I should have questioned the conclusion; but, unluckily, not only is the conclusion questionable, but the premises themselves are defective. It is not the fact that after the passing of the Act of 1870 there was a general increase in the price fetched by the estates sold in the Landed Estates Court. I hold in my hand Returns which are on the Table of the House, and which bear out my statements. They have reference to three periods—the first includes the three years, 1867, 1868, 1869; the second the years 1872, 1873, 1874; the third the years 1875 and 1876. There is, therefore, one period prior to the passing of the Land Act, and two periods subsequent to that date. Now, what is the conclusion to be drawn from these Returns? Taking the four Provinces separately, I find that in Ulster the price of land remained stationary during the three periods. In Munster it rose slightly during the second period, and fell in the third below the level at which it stood in the first. In Leinster it fell in the second and third periods considerably below the level of the first; and in Connaught alone it rose both in the second and in the third periods. If we take individual years we find that in Ulster the lowest year of the whole eight was 1872, and in the three other Provinces 1873; both years being subsequent to the passing of the Act. Whatever conclusion these figures may justify, they do not justify the conclusion that the effect of the Act of 1870 was to increase the selling value of land in Ireland.

The Land Act of 1870, my Lords, diminished the value of land in Ireland; and this Bill, if it becomes law, will diminish it still further. How can it do otherwise? We are going to divide

that which until now has been the property of a single person between that person and another, and having divided it we are going to say to the one—"The value of your share shall be closely restricted and confined by a tribunal to which we are going to hand you over," and to the other—"You shall be free to dispose of your share to the highest bidder in the open market." Is it conceivable that under such conditions the share of the former will not diminish and the share of the latter increase in value? Upon this point there is a complete concurrence of testimony. We may question the evidence collected by the Bessborough Commission, but as to this at least it is conclusive, that in the tenant right districts every rise of rent, no matter how moderate, is regarded as an infringement of the tenant's interest. Wherever you have tenant right there you will find that, on the one hand, the right of the landlord to profit by a rise of prices is denied; while, on the other, if the prices fall it is expected that the loss should be met out of the landlord's rent, and not out of the tenant's share in the enterprise. Nor is this a new discovery—it was clearly asserted by the Devon Commissioners. They saw that the existence of these customs must lead to the absorption of a large part of the landlord's interest in their estates, and these are the words in which they warned the landlords of the danger with which they were threatened—

"It is difficult," they said, "to deny that the effect of this system is a practical assumption by the tenant of a joint proprietorship in the land, although those landlords who acquiesce in it do not acknowledge to themselves this broad fact, and that the tendency is gradually to convert the proprietor into a mere rent-charger having an indefinite and declining annuity on the lord of a copyhold."—[*Digest*, Vol. I, p. 2.]

That, my Lords, is a fair description of the system which we are asked to create all over Ireland, even upon the estates of those proprietors who have submitted to every sacrifice sooner than tolerate such a system; and I say that the introduction of such a system, followed by the consequences which are inseparable from it, must tend to deprive the ownership of land of the incidents which have hitherto rendered it attractive, and must, therefore, diminish the number of persons who will hereafter desire to acquire that ownership. If that is the result,

as I believe it must be, of the passing of the Bill, it will follow that the saleable value of every acre of land in Ireland will be largely reduced.

This is, however, not the only consequence of the Bill in so far as it will affect the landlord's position. There remains the important question of improvements. I do not wish to delay the House by a discussion of the extent to which Irish landlords have improved their estates. The point is, I know, a much controverted one. I am ready to admit that in many parts of the country the number and small size of the holdings renders it impossible that the improvements should be generally carried out by the landlord. On the other hand, if it is true, as has been stated by some persons, that it is only upon one-tenth of the area of Ireland that the landlords have been in the habit of making improvements, we must guard ourselves against assuming that upon the other nine-tenths the tenants have done what was necessary for the proper maintenance and cultivation of the farms. My own impression is that in many places the improvements are either executed by the landlord or not executed at all; and certainly if you exclude the badly executed works and improvements scarcely worthy of the name, and confine your consideration to properly executed works of an exemplary character, you will find that the abstention of the landlords would have been in the past a very serious misfortune. That abstention is, however, what, in the opinion of the Bessborough Commission, we have to look forward to in the future. The result, they say, will be—

"To discourage still further if not to extinguish their (the landlords') expenditure upon the soil of land not in their own occupation. Evidence has been tendered us showing that sums have been and still are being expended by landlords in works on their estate. The cessation to any extent of this expenditure will be an evil."—[*Report of Bessborough Commission*, par. 57.]

The extent of that evil we are able to appreciate when we read in the evidence of Professor Baldwin and in the Report of the minority of the Bessborough Commissioners a description of the miserable condition into which Irish agriculture has fallen in the remoter districts—a condition from which I believe it can be raised only by the efforts and the example of those improving landlords whose

existence is denied, but who have done so much for the advancement of their country. I own, my Lords, that I am filled with concern when I contemplate in anticipation the position of helplessness and uselessness into which the landlords are likely to be reduced by this Bill. I read the other day in the report of the proceedings of a society of entomologists that there is a species of wasp which is in the habit of feeding its young upon the bodies of other insects, generally those of a large grasshopper. These wasps have discovered that their victims, if killed outright, are apt to decay and to become worthless. They have accordingly, by a marvellous effort of instinct, hit upon the expedient of stinging them in such a manner as, without actually killing them, to deprive them of all power of movement. In this miserable condition they languish until they are required for consumption. That, my Lords, is the condition into which the Irish landlords will, I fear, be driven by their persecutors. It will, I am sure, be a consolation to your Lordships to know that the distinguished naturalist who conducted these researches found that, even after the treatment I have described, the victims retained some power of digestion, and that he was able to prolong their lives considerably by feeding them on syrup. Let us hope that in their last days the landlords will be equally fortunate in the treatment which they will experience.

It is not, however, possible to appreciate the effects of this measure merely by an examination of the manner in which it will affect one or other of the classes engaged in agriculture. The subject has, perhaps, been too often discussed from the exclusive standpoint of either landlord or tenant. I admit freely that Parliament would be justified in sacrificing the interests of every landlord in Ireland if it was demonstrable that the sacrifice would be for the general advantage of the community. The landlords are, perhaps, not culpable if, persuaded as they are of the wrong which you are about to do them, they place their case before the public. Within these walls, however, it is our duty to take a wider view; and, endeavouring to take such a view; I would ask the House to consider the consequences of this legislation, as they will affect the peace and contentment of

Ireland, and the well-being and prosperity of Irish society. What, my Lords, will be the position in which this Bill will leave that country? From one end of it to the other there will not be a sod of land—with the exception of a few demesnes and grazing farms—of which any human being will be able to say, "That land is mine." You bequeath to the future a legacy of confusion more inextricable than any which has yet distracted that unfortunate country. No landlord will be able to say what is the value of his estate; no tenant will be able to determine beforehand the value of his interest in his farm. You throw down as an apple of discord the whole of the soil of Ireland to be struggled for by rivals who are already too ready to fly at each other's throats. You say to the landlord, "Keep what you can;" and to the tenant, "Take what you can get." How will your new system work? On the one hand is the tenant ready, as we are aware, to pay an extravagant price for the possession of a farm; on the other is the landlord, knowing that in the long run the payment of that price will diminish the value of his estate. Between the two will be the Court endeavouring to hold the balance. One of two things will happen—the extravagant price will be paid, the landlord will be saddled with an insolvent tenant, and the holding with a charge which will dominate and ultimately eat into the landlord's rent, or the Court will, at the landlord's instance, intervene and frustrate the transaction. It can do so by allowing the landlord to raise the rent, or by empowering him to exercise his right of pre-emption. In the one case he will commit the very action for the commission of which the landlords have been over and over again held up to public obloquy. To demand an increased rent at the moment of a sale of the tenant right is, in the eyes of an Irish farmer, the most heinous offence which an Irish landlord can commit. In the other he will be placed in the position of saying to the outgoing tenant who is the vendor—"It is quite true that you have an offer of £500 for your interest, but I, to suit my own convenience, require you to part for £300 with that for which you are able to obtain the larger sum." How will the outgoing tenant and his friends and neighbours receive such a decision

on the part of the Court? And yet, my Lords, that is the sedative which Her Majesty's Government are going to apply to a country on the verge of rebellion, that is the panacea with which they expect to quell the turbulence of Limerick and Tipperary, and to relieve the chronic discontent of Galway and Mayo.

My Lords, whenever these arguments are used, we are referred to the case of Ulster, and we are told triumphantly, as the Lord Privy Seal has told us to-night, that none of these things happen in Ulster, and that in that Province all is prosperity and contentment. I never listen to the Ulster argument without admiring the manner in which those who use it are able to look with one eye at all the facts which fit in with their own theory, and shut out from the vision of the other every circumstance which does not. Portions of Ulster are, no doubt, in remarkable contrast to the rest of Ireland in regard to the prosperity and loyalty of the population. But are there no differences between the circumstances of Ulster and those of the other Provinces? Are there no differences of race, of religion, of climate? Does not Ulster stand almost alone in the exercise of industries other than that of agriculture? Is not her civilization a couple of centuries older than of the remoter districts in the West? Again, when you point to tenant right as the sole cause of the superiority of Ulster, ought you not to bear in mind that in her case the tenant right custom is one having its origin in the first plantation of the Province where it has been gradually developed and intimately mixed up with the habits and social institutions of the people? Can we predict with confidence that the attempt to create such a custom by artificial means, in the midst of a population hitherto unused to it, will be followed with equal success in other parts of Ireland? For, my Lords, is it indeed the case that tenant right and prosperity always go hand in hand? Nothing of the kind. There are parts of Ireland in which prosperity is to be found without tenant right; there are others in which tenant right is to be found without prosperity. In no part of Ulster does tenant right prevail more than it does in Donegal, and yet the area scheduled in that county under the Relief Act of last year was no less than 1,169,000

acres; an area larger than that scheduled in almost any other county. Take, again, the case of evictions. Last year the Province of Ulster stood second in the list in point of the number of evictions; this year it stands first. Try another test. Of all the causes which have contributed to Irish distress and discontent none has contributed more than the minute sub-division of the holdings. How does Ulster stand in respect of sub-division? It is at the head of the list. In Leinster there are 86,000, in Munster 93,000, in Connaught 123,000, and in Ulster 188,000 holdings below £15 valuation. Before we recommend free sale as the remedy of all the ills to which Ireland is heir we should satisfy ourselves that it has worked well and stood the strain of adverse circumstances where it exists already. How has free sale stood the test of adversity in Ulster. I will read to your Lordships part of a letter addressed in September, 1879, to Mr. Thaddeus O'Brien, of Shanballymore, by a well-known authority—

"Speaking from an Ulster standpoint," says the writer, "I am sorry to say that the tenant right custom has not stood the test of hard times. It is vanishing at the first touch of adversity. The value of tenant right has been reduced 30 per cent at least, and, in many instances, farms cannot be sold at all. A tenure which is so easily affected by temporary circumstances is unsatisfactory, and hence students of the Land Question here are looking forward to the extension of peasant proprietorship as the only adequate remedy for all agricultural ills."

It did not, by the way, occur to the writer that the peasant proprietor would fare no better than the tenant farmer under the circumstances described. Now, who do your Lordships suppose was the student of the Land Question who expressed these views? It was Mr. M'Elroy, the oracle of the Ulster farmers, the witness quoted again and again by the Bessborough Commissioners as an ardent defender and apostle of that very Ulster tenant right whose collapse he so forcibly describes. That was Mr. M'Elroy's description in 1879; what has been the state of things in Ulster ever since? It is impossible to read the Evidence on the Table without perceiving that in Ulster, as in the rest of Ireland, a deeply-rooted agrarian movement is proceeding. A movement of resistance to every attempt on the part of the landlord to assert the rights which even this

Bill is by way of retaining for him, of opposition to all increases of rent, no matter how reasonable, to all restrictions on the tenant's right of sale, to all limitations on the choice of a successor by the outgoing tenant. The statutory conditions of this Bill will be bitterly resisted just as the so-called office rules have been resisted hitherto. Her Majesty's Ministers will be credulous indeed if they suppose that after they have once called into existence this custom over the whole of Ireland, they will, through any tribunals which they may constitute, be able to keep it within the limits which they would prescribe. Free sale is a reality, the restrictions and reservations are scarcely worth the paper upon which they are written. I say, then, that the case of Ulster does not establish the conclusion which you draw from it; but that, on the contrary, the effects of the confusion of interests which the Bill will create all over Ireland are already manifesting themselves, and producing dangerous results in that Province. Depend upon it that confusion will be worse confounded in districts where the tenant right system has been hitherto unknown and is to be violently created in the midst of a people who are unfamiliar with its operation, and who have not even the advantage of an established custom to guide them.

Is there, I would ask the House, any other industry, any other profession in which such a confusion of interests exists? Partnership I understand, co-operation I understand; but this is neither co-operation nor partnership. We are going, with our eyes open, to create a system of tenure barbarous in its incidents, and opposed to the enlightened opinion of civilized communities. I have heard it said that in the legislation of Prussia is to be found a precedent for the law which you are going to apply to Ireland. Nothing could be further from the truth. The statesmen of Prussia found at the commencement of this century a land system under which the great lords were the nominal owners of vast estates, into the actual possession of which they were unable to re-enter. The land was occupied by tenants who enjoyed a species of fixity, and who paid to the lord feudal services in consideration of their occupancy rights. Neither party was the owner in the full acceptation of the term; but the two interests

were confused and entangled together. It was under these circumstances that the Legislature intervened, in order to extricate and disentangle those interests. The absolute ownership of a portion of their land was given to the lords, and the services of the tenants were commuted for a fixed rent, which, by subsequent legislation, the tenants were allowed to extinguish so as to effect the complete enfranchisement of their holdings. This is not the moment to inflict upon your Lordships a lecture upon the systems of land tenure to be found in different European countries; but I believe I am not wrong in saying that if you turn to France, to Spain and Portugal, to the Low Countries, you will find that everywhere the efforts of statesmen have been directed to the disentanglement of interests before confused and competing with each other, and to the establishment of full and undivided ownership. In this country, of all others, it has been the object of statesmen, particularly of Liberal statesmen, to give every facility for the creation of unrestricted ownership, and to simplify and expedite all transactions relating to land. It is in Ireland alone that we are asked to take a step backwards in the direction of that chaos from which, in other countries, the civilized communities of the world have emerged. We seem, in dealing with that country, to have taken leave altogether of the patience which makes allowance for human infirmities, of the consistency which rises superior to pressure and to excitement, of the statesmanship which is able to discern progress even when it is tardy and interrupted. With the passage of this Bill we shall complete another cycle of agitation and concession. I will venture to say that before the ink is dry upon the final print of the measure a new cycle will commence. This Bill cannot be a settlement of the Irish Land Question, in no single clause of it is finality written: it is the reward of past agitation, it will be the vantage ground of the agitation of the future. I may be asked why, holding these views, I do not move the rejection of the Bill. I am not one of those who believe that this House should, on all occasions, content itself with registering decisions arrived at "elsewhere." Only last year we rejected a measure dealing with this very question, and I believe that the public opinion of the

country supported us. The circumstances, however, with which we are now confronted differ widely from those under which we declined to give a second reading to the Compensation for Disturbance Bill. The Compensation for Disturbance Bill was, in name, a temporary measure, though it admitted principles of permanent application. It came to us backed by diminishing majorities, supported by arguments which had been demolished, and statistics which had been discredited and disproved. This measure comes to us, after a discussion which has extended over several months, supported, so far as its main provisions are concerned, by the whole weight of a powerful Party. It is presented to us as a permanent settlement without which the Executive Government decline the responsibility of administering the affairs of Ireland. Its rejection would be the signal for a recrudescence of the conflict already raging there: during the coming autumn and winter we should have to deal with anarchy and terrorism worse than those which have already made Ireland a byword, and we should have the spectacle of a Government reluctantly and half-heartedly enforcing a law which it has itself declared to be unjust. These conditions could have only one result—they would lead to a renewal of the proposals now made to us in a probably more extreme and violent shape. The Bill indicates a legislative low water mark above which the next tide may rise, below which it certainly will not fall. Under these circumstances, our duty, I conceive, lies in the direction to which the noble Marquess (the Marquess of Salisbury) has pointed. We must pass the Bill, we must amend it in Committee, so far as it may be possible to amend it consistently with its general scope and principle; but in doing this we must place upon record that Her Majesty's Ministers, and they alone, are responsible for the injustice of the measure which we have exposed, and that they, and they alone, will be accountable for its failure, which we are clearly able to foresee.

LORD INCHQUIN, in protesting against the Bill, said, surely the landlords in Ireland were entitled to ask for the same justice and liberty over their own property as their brethren in England and Scotland. It could not be

denied that in Ireland there was a disaffected class who were anxious to possess the property of others, and whose doctrines were Communism, pure and simple. Their ultimate object was to bring about dissension and rupture between the two countries; and it appeared to him, in adopting that Bill, the Government were endeavouring to buy up these men to discontinue agitation. They would never, however, be satisfied by any reasonable promises, and the proper course to pursue was to take a firm stand, and say—"We will insist upon law and order being respected." He contended that many of the provisions of the Bill were at variance with the principles expressed in 1870 by Mr. Gladstone, Judge Longfield, and Mr. Bonamy Price. From the landlord valuable proprietary rights would be taken, and yet no compensation would be given him. In the case of the West Indian slaveowners, and on the occasions of the Disestablishment of the Irish Church and the Abolition of Purchase in the Army, compensation had been awarded; but now the landlords of Ireland, though dispossessed of many of their powers, were to have no such justice meted out to them. The 1st clause in the Bill—that which related to free sale—would be productive of great injustice. He would have no objection to indemnify tenants for their own improvements; but he strongly objected to their being allowed to sell what did not really belong to them. Purchasers of holdings would often, he contended, have to pay an extravagant sum for the tenant right; and thus, though the rents might be greatly lowered by the Court, the position of the incoming tenants would be no better than that of tenants at the present time. He thought the result of the measure would be that, before long, a large amount of money would be taken out of the country by tenants who had sold their interest in their holdings. The incoming tenants would really have to pay a larger rent than ever they had paid and than the land would bear. There was great difficulty in fixing a fair rent, and it was almost impossible to make all proper allowances for differences in the character of the land, and the other circumstances of the holdings. He was of opinion that in the altered circumstances in which landlords would find themselves they

ought to be empowered to compel the State to buy. He was exceedingly sorry that the Amendments to the Emigration Clause had rendered it a practical nullity, as he regarded that clause as the most important in the Bill; and he believed its purpose had been defeated in some measure by the machinations of the Roman Catholic priests, who were afraid to lose the fees they derived from the overcrowded districts of Ireland. He objected also to the clause relating to leases. There might be cases of hardship; but the tenants had entered into those contracts with their eyes open, and it was inequitable to re-open questions thus settled. He regarded the Bill as a whole as most unsatisfactory; it was not a final settlement of the question, and he fully expected that in six or seven years they would have another Land Bill. He regretted that the Bill had ever been introduced, and he hoped that their Lordships would be able to modify in Committee some of its most objectionable features.

LORD MONTEAGLE said, they could all understand with what great pain the noble Marquess (the Marquess of Lansdowne) separated himself from the Party with which he usually acted. It was frequently as difficult, however, to act in opposition to one's class as to one's Party. No complaint could be made with regard to the references to the Emigration Clause; and he was quite convinced that the Roman Catholic priests of Ireland had been actuated in this matter by pure motives. With regard to the general question, they must ask themselves whether there was a grievance to be dealt with in Ireland? One was ashamed seriously to discuss this question after all that had come and gone. One might almost, after the speeches which had been made, begin to fancy that the Irish land system was the most perfect possible. The evidence collected by the Bessborough Commission could not be all swept away by a derisive cheer. But there was, besides, the Richmond Commission, to which the noble Lord (Lord Carlingford) had referred. The recommendation of that Commission was most significant. It could scarcely be maintained that before 1870 there was freedom of contract or undivided ownership. The latter implied that the landlord had the right to deal with the soil as he liked; but that was

far from being the case. The freedom of contract which existed before 1870 reminded him of a passage in one of Goldsmith's plays. The old father wished his son to marry an heiress who was the father's ward. The son was reluctant, being engaged to another lady, and he was addressed by the father in this wise—

"You are both of you perfectly free; she is free to marry you or lose half her fortune; and you are free to marry her or pack out of the house without any fortune at all."

Consolidation was responsible for much of the difficulty in which they found themselves; and it was out of the question that the right of consolidation could be exercised freely. A right which remained, but which he feared would be somewhat damaged by the Bill, was that of making tenants combine to effect improvements. The rent question was left open in 1870. The Government were then under the impression they could adequately secure the interest of the tenant by protecting him against arbitrary eviction. It must be admitted that there were many cases in poorer parts of the country in which rents had been raised in virtue of the improvements made by the tenants, and this had imported a sense of insecurity into the rent system. In illustration, he quoted the particulars of a case in which a tenant had paid an increased rent for 10 years on his own improvements, and a case which would not have been brought to light if the landlord had not at last turned the tenant out. The great majority of landlords were as honourable in Ireland as in England, and treated their tenants with great consideration. But it was hardly necessary to remind their Lordships that a small amount of injustice might create a widespread feeling of insecurity. The noble Lord read an extract from the Report of the Devon Commission, in proof of that statement. Their Lordships had heard but little from the opponents of the Bill as to the remedies which ought to be applied to the present state of affairs in Ireland. In his opinion the only solution for present difficulties was to be found in increasing the interest of the tenant in his holding, and augmenting the number of the owners of the soil. The noble Marquess opposite was in favour of the latter. But anything done in that way must be voluntary, and if it were volun-

tary, many districts would be untouched. If they could not convert tenants generally into owners, he saw no other alternative than to develop the interest of the tenant, and leave him then to work out his own salvation. If rents were to be considered by a Court, no doubt, in cases where they were reduced, the landlords might think their interests damaged. But it was admitted on all sides that the enormous majority of the landlords of Ireland were prepared for that. If they did not want to extract more than a fair rent, what reason was there for fear on that head? The part of the Bill to which most objection was taken by noble Lords was the clause relating to free sale. But if a fair rent was fixed, he did not see how the landlords would be damaged by free sale. He had heard of various cases in which the rent had been largely increased on account of improvements made by the tenant himself; but he had never heard of a single case in which a landlord had suffered from tenant right. He did not see that any of those provisions were calculated to damage the landlord's pecuniary interests, though, no doubt, it would interfere with his rights in some respects. It had been said that this measure was a concession to agitation, and it was, no doubt, a great misfortune that legislation of this kind should just follow on agitation. He might, however, remind their Lordships that the same thing had happened more than once in England, and that several important measures, notably Catholic Emancipation, had been passed deliberately as concessions to agitation. He would only add that it was his firm belief that the Bill would confer great benefit on the tenants, and would prove such a settlement of the present difficulties, as would render it acceptable to the landlords also.

THE MARQUESS OF WATERFORD: My Lords, I rise, as an Irish landlord, to address you upon one of the most important measures that have ever come before your Lordships' House, and I say this advisedly, as, although I am aware that this measure only affects the Land Tenure of Ireland, yet I am satisfied that any change which may be made in the Land Laws of that country will eventually find an echo in legislation—in Radical legislation—with regard to the Land Laws of Great Britain. Up to the present time, the rights of pro-

perty have rarely been interfered with by Parliament; and, when it has been found necessary to interfere with the vested rights of individuals for the public good, it has been invariably the custom to give full compensation for the value taken away. But this is a measure of confiscation pure and simple, without 1s. of compensation being given. It takes away the just rights, whether purchased or inherited, of a class who—as the Prime Minister himself has stated—have been tried and honourably acquitted, and who, although so acquitted, are to be heavily fined in the future for their conduct in the past. I appeal to your Lordships to be informed whether that is in accordance with your views of English justice? It has been argued by the noble Lord the Lord Privy Seal (Lord Carlingford) that there is no confiscation in this measure, and that the landlords will not be injured, but will absolutely gain by it, as it will put down agitation, and also that there are certain clauses in the Bill which will render their rents more secure. I entirely deny both of those statements. No one will attempt to argue that enormous advantages, which represent many millions in value, are conferred on the Irish tenant. Where do those advantages come from? There is no intermediate property in land; the Act of 1870 drew a hard-and-fast line where the landlord's rights ended and the tenant's rights began. If advantages representing many millions are to be conferred upon the Irish tenant, they must have been taken from the landlords, who had previously enjoyed them, because there is no other place from whence they can have come. How, then, can it be argued that this is not a measure of confiscation? Then there is the statement that this Bill will stop agitation; that it will settle the Land Question and render Ireland contented. I wish from my heart I believed that was the case; for, if I believed that, much as I dislike this measure and almost everything in it, I would receive it with open arms. But I am afraid it will be but the starting point for a fresh agitation, which will gather force by the strengthened position of the tenants, who will then have a much firmer basis of operations than they had before. Then, as regards certain clauses in this Bill rendering the rents more secure, I think that is a ridiculous sug-

gestion, because every such clause could have been conceded by the landlord of his own free will, if he wished to secure his rents by doing so. What is the history of this measure? Has it been produced by feelings of right and justice in the minds of Her Majesty's Government, or is it an answer to an agitation which has been a disgrace to the Empire and has destroyed all progress and prosperity in Ireland? I think the whole history of the measure points to the conclusion that it is an answer to agitation, and if we needed any further proof the changes that have been introduced since the Bill first appeared would supply it. There was no mention of it when the Ministry came into power; we heard then of nothing but the "comfort and satisfaction" at the state of Ireland; but since the Bill has been before the House of Commons addition after addition, all tending to make it much worse, have been made at the instigation of the Land League. But what are the aims of the agitation which is being pandered to by the Government? It goes far beyond any agrarian question, and aims at nothing less than the dismemberment of the Empire; and giving way to it will lead the Irish people to believe that they have only to agitate in the future to get anything they may require. This agitation is led by men who know well that if they can destroy the landlords of Ireland and eliminate from the soil of that country those men who up to this time have been the most loyal and true to the British connection, they will have gone far to bring about their real object, which is separation from England altogether. Mr. Parnell himself stated that he would not have taken off his coat to this work if he had not something far greater and grander to bring about in the future. It would not have been easy to believe, after the statements made by the Liberal Party in 1870, that an Act including the "three F's" would be brought forward by that Government within 11 years, and yet this is the case. Is it more difficult to believe now that a measure granting Home Rule will be laid on the Table of this House in a limited period? For my part, I believe such a measure will be brought forward before many years are passed, and when that takes place separation will not be far distant. But I am not one of those

The Marquess of Waterford

who consider no change necessary. I know the country too well and the terrible state to which it is now reduced to believe we could go on without a measure of Land Reform, which has been rendered necessary by the promises made by Her Majesty's Government that have excited such lively hopes in Ireland, which hopes it would be impossible now to blight and destroy; also by the weakness of the present Government in having allowed Ireland to drift into such a fearful state; and, in addition to this, by the fact that the Act of 1870 has been a failure. I have never believed that the Act of 1870 could be a final settlement of the question, because it unsettled the basis upon which the Land Laws rested—a basis that had grown up by the usage of centuries. But I have never objected to that measure as regards the interests of the landlords, except in so far as the unsettlement it produced, which rendered it necessary that other Acts should be passed to attempt to find the foundation that was lost, just as I believe this Bill, which again thoroughly unsettles the question, will be repudiated in its turn by the very Government who pressed it upon Parliament as a final settlement of the question. The noble Duke (the Duke of Argyll), whom I do not see in his place, has stated that the Act of 1870 carried out all that was intended by its framers, and therefore I suppose he believes that it has not been a failure; but I would say that, in certain instances, it carried out more than was intended, because it was distinctly stated by the Prime Minister, and the Government to which the noble Duke then belonged, that there was no intention of giving an interest in a holding by granting compensation for disturbance. But now it is stated that, unintentionally, that measure created a valuable interest, which it is now necessary to pass this measure to protect. If such unintentional advantages were granted under an Act so clear as the Act of 1870, we must almost shudder at the idea of the unintentional advantages which may be conferred in an Act so complicated as this. But, although I have never objected to the Act of 1870, except for the unsettlement it produced, I think it has been a failure. I shall not now go into the points where that Act has failed; but, as it has been a failure, and for the other reasons I have stated, I consider it

an absolute necessity in the interests of both landlords and tenants that a change should be made and a measure of Land Reform introduced. But, though I consider a measure necessary, I think the Bill before your Lordships' House the very worst means that could possibly have been devised for making such a change. It is so complicated that no one can understand it, and it will produce an amount of litigation perfectly fearful to contemplate; but it is perfectly clear in this—that it gives no compensation to the landlords for the rights taken away, and it will demoralize Ireland and ruin the future race of tenants. What was required was a simple measure anyone could understand, granting large advantages to the Irish tenants—which any measure to have a chance of success must grant—and giving full compensation to the landlords for those advantages which I have shown must have been taken from them. But, my Lords, we have no other measure before us, and therefore I regard it as a necessity, having regard to the interests of all classes in Ireland, that we should give this Bill a second reading, bad as it is and worse as it has become, and attempt to introduce some moderate Amendments in Committee to clear up some of its ambiguities, because what the Prime Minister has stated is the object of certain clauses is not always clear, and also to correct some of the mistakes, unfairnesses, and anomalies which appear upon the surface of it. My Lords, if we are to accept this Bill, it is necessary we should look the matter boldly in the face, and see what the effect of it really will be, and what will be the future position of the landlords and tenants of Ireland. I will divide the Bill into two parts—the first part dealing with the “three F's”—fixity of tenure, fair rents, and free sale; the second part dealing with the “ornamental clauses”—peasant proprietary, reclamation of waste lands, and emigration. The reason why I call them the ornamental clauses is, because it is impossible they can be made use of under the Bill as it stands, and I do not believe it is intended they should be, as the first part renders them almost entirely inoperative; and I believe they have been put in to meet the wishes and catch the votes of certain of the Government supporters who have hobbies on one or other of them. It is not easy, my Lords, to reconcile the

speeches which have been made by Her Majesty's Government with regard to the Bill. For instance, the Prime Minister has stated that the “three F's” are not given in this Bill. Now, no noble Lord has said the same, and the only way that I can explain that statement is, that he has inveighed so strongly against the “three F's” that it would be impossible, even with the enormous powers of rhetoric at his command, to explain away the unanswerable arguments which he used during the passing of the Act of 1870 against the “three F's,” taken individually and collectively, which, I maintain, are the fundamental principles of this Bill. The first thing we have to consider is the right of free sale. There is nothing that the landlords, who, up to this time, have not allowed this right upon their properties, and have paid large sums to keep it away, or, in some instances, acting on the suggestion and guarantee contained in the Act of 1870, who have purchased that right, believing by so doing they were extinguishing a most injurious custom for ever, though at a large cost—there is nothing, I say, which they look upon in this Bill with greater dislike or apprehension than the system of free sale, founded as it is on the Ulster Custom, but upon perfectly different grounds, because in Ulster the tenants have paid for their tenant right, therefore there is no reason they should not have the power of selling it again; but in the rest of Ireland, where this right does not exist, nothing has been paid to gain a right which represents an immense money value, and which will be enjoyed directly this Bill becomes law. My Lords, it has been stated that the prosperity of Ulster is due to the tenant right custom. I have had some experience of a property under tenant right, and I am quite satisfied that tenant right would have ruined the population of that Province if it had not been for the manufactories that exist there. Again, the tenant right was constantly limited by office rules; but for the future there will be no limit of any sort, and everyone will be able to sell his tenant right for the best price it will command in the market. They will be able to sell what they have enjoyed through the kindness and consideration of their landlords in allowing the rents to remain below the value; and the more considerate the landlord has been, the higher will be the tenant right. No one

would object to their being allowed to sell the improvements that had been made by themselves or their predecessors in title; but the Prime Minister has stated they are permitted to sell a something more, and this something I believe to be the capitalized difference between their present rent and a full rent. My Lords, the landlord of the future will not be able to make his tenants contented and happy, and his rents secure by having them low, because the lower the rent the higher will be the tenant right, and he will be obliged to have his tenants rack-rented and his rents insecure whether he likes it or not. Then, again, all improvements will be stopped, because the landlords will not consider improvements sufficiently protected under this Bill, and it is possible his own improvements may be made a still greater fine upon his future tenants; and, again, he will have no power of selection. His greatest enemy may buy a farm upon his own property at his gate, and may insult him whenever he goes in or out of it. How can it be expected, under these circumstances, that landlords will still lay out their money in improvements? My Lords, I believe this Bill is intended to stop eviction and to prevent cruelties being perpetrated on the Irish tenants—of which the Prime Minister states the landlords as a class have been acquitted—but I believe it will enormously increase evictions, which will take place in the future in a much more cruel form than hitherto. Up to this present time the landlord, and the landlord alone, has had the power to evict a tenant or make the sale of a holding, because he could refuse to take any tenant who purchased under a sheriff's sale. Now several other classes are brought in, who will have for the future almost the same powers of eviction with the landlord. You will bring in the money lender or "gombeen" man, the shopkeeper, the banks, and other creditors. Will they be as considerate as the landlord of the past? Do you not think that eviction will become much more frequent under sales for debt, created by the powers of mortgage which the Bill will give? The landlords have allowed men to run into three or four years' arrears, and then have tried to help them over their difficulties. Will the "gombeen" man be as considerate? I myself have protected

many tenants who have fallen into difficulties, through no fault of their own, by having become security for friends, who have left them to pay, and I have no doubt other landlords have done the same thing; but now we shall be prevented from giving any protection whatever. In 10 years' time will the Prime Minister be able to acquit the new classes to whom he has given the power of eviction, which he calls a "sentence of death," as he has acquitted the landlords of the past? We have heard lately how money lenders in some places on the Continent have fastened like vampires on the population, and are sucking the life's blood out of them. Does the Prime Minister wish to institute the same state of things in Ireland and give the Irish people another and graver cause for misery? Why are the class to which the money lenders belong so anxious for free sale? Because they know that it will create a power of mortgage, which will be taken advantage of, as it was under the Act of 1870, and that the monies lent on it will be more secure. My Lords, I believe the clause will be injurious to the interests of both landlord and tenant; but the Bill hinges on it, and if it were taken out, as some people have proposed it should be, it would utterly destroy the measure and render it unworkable. Then there is another view which I do not think has struck Gentlemen who wish this clause eliminated, and it surprises me it has not been mentioned before. If you take away the right of free sale as it stands in the Bill, with certain conditions for the protection of the landlords, you leave the right of sale under Common Law behind, without any conditions whatever. That right has always existed, but it has been rendered useless by the power of eviction; but directly you grant a judicial lease, and take away power of eviction, Common Law sale, without restriction, comes in; and, in my belief, the landlord under this Bill would be in a worse position if the 1st clause were cut out than he is at present, because free sale would still exist, only in a far more injurious form; and if, to protect the improvements of landlords who manage their properties on the English system, such properties were cut out from the action of the 1st clause, and not cut out entirely from the action of the Bill, the

tenants on those properties would have far more power of selling the landlord's improvements than they had before. And, therefore, though I consider the clause most injurious to the best interests of the people of Ireland, I consider it a necessity that if the Bill becomes law the clause should become law with it. But I hope Amendments may be introduced in Committee to protect in some manner men who, under the guarantee of the Act of 1870, have purchased their tenants' right and paid their tenants for it in full—which, as the Bill now stands, the tenant can sell over again—and also more fully to protect the improvements made by the landlord upon all estates, and more especially on those managed on the English system. There is another point which I shall refer to under the head of peasant proprietary, which I think is the most useful proposition made in the Bill, and which the clause, as it stands, will go far to prevent. The next question we have to consider is fair rents. No one will deny that it is of the utmost importance that fair rents, and fair rents alone, should be levied from the tenant farmers of Ireland. But the reason the 7th clause created so much discussion is, because it is not clear that the rents of the future will be fair rents. Under the enormous powers granted to the Commission, and the wording of this clause, it is provided that the tenant's interest may mean his interest in his tenant right. The Prime Minister states that this is not to be taken into consideration in fixing a fair rent; but, if this is so, why not make it clear? If the tenant right should be taken into consideration—which I believe it will, as the clause is now worded—it is only a matter of time when the rents of Ireland will become a *minus* quantity, because the lower the rent the higher the tenant right; and when the rent comes to be fixed, if the tenant right is high, the rent will be lowered, and if a sale takes place during the next 15 years the tenant right will again be increased; so that in time the tenant right must eat away the rents altogether. I cannot see why, if the Prime Minister does not wish this to happen, we should not adopt the wording of Mr. Butt's Bill—that a fair rent is such a rent as a solvent tenant would undertake to pay one year with another, deducting from it any increase due to the tenant's im-

provements or his predecessors in title, for which he would be entitled to compensation under the Act of 1870. If this is adopted instead of the present words—which I hope it will be, and that your Lordships will adhere to the Amendment—it will make it clear that tenant right is not to be taken into consideration, and will carry out the intentions of the Prime Minister that a fair rent should be fixed without taking that right into consideration. I am quite sure Her Majesty's Government would not wish the rents of Ireland to be rendered a *minus* quantity by a right conferred on the tenants against the expressed wish of the landlords; but you must remember an unintentional advantage was conferred by the Act of 1870, and it is just possible there might be another unintentional advantage conferred by mistake under the Act of 1881. My Lords, the Prime Minister states that if the landlords can prove loss under the Bill they have a fair right to claim compensation from Parliament; but if they were to lose their whole rents, as they might do under the wording of this clause, they might, no doubt, claim compensation; but do your Lordships think they would have any chance whatever of getting it? My Lords, I believe this is not merely an Irish question—it is an Imperial question, because, if an irresponsible Court can be constituted that could have this effect upon the rents paid for the lands of Ireland, and it brought about such a result, it would naturally be the means of setting on foot an agitation to bring about the same results in England, and a strong Radical Government, backed by such a majority as is at present supporting the Prime Minister, might pass an Act which would do away in time with all rent from the land of Great Britain as well without any compensation. Well, my Lords, I now come to the "fixity of tenure" clause, or "durability of tenure," as the Prime Minister calls it, though I must own I cannot see a difference in the effect of the two words, the only difference being that they are spelt in a different manner. The best proof I can give that this is fixity of tenure is, that I believe the clause to be drawn on the lines of the old Irish lease, which was called "a lease of lives renewable for ever." This lease, like the clause before your Lordships, was really

a lease for ever, or a durable tenure. In that lease there were conditions very similar to those contained in this clause; but, my Lords, it was found so inconvenient that it was necessary to pass an Act, forcing upon the owners who held leases of this description the necessity of giving durable tenure by what is called a "fee-farm grant," which is a "lease for ever;" and the arguments used to prove that there was no injustice in turning a "lease of lives renewable for ever" into a fee-farm grant or a lease for ever were, that the original lease was really a lease for ever, and, therefore, there could be no injustice in making it so by law. My Lords, if a "lease of lives renewable for ever" was turned without injustice into a lease for ever, and if this clause is, as I have shown, almost the same as that lease, is it not a proof that the lease for 15 years renewable for ever is really fixity of tenure or a lease for ever? The Prime Minister says that this clause is not fixity of tenure, because of the right of pre-emption reserved to the landlord; but that right can only come into existence when the tenant wishes to sell, and there is nothing to prevent him holding on for ever, unless he wishes to dispose of his holding, which he can then do, to the landlord at the full value. Under a "lease of lives renewable for ever" there was nothing to prevent the landlord buying at the full market value if his tenant wished to sell, which is all that is conceded at present; and, therefore, I maintain that this "fixity," "durability," or "perpetuity of tenure" is identical with the lease I have referred to, which is now turned by Act of Parliament into a "lease for ever." There is yet another point that calls for notice. If, before the passing of this Act, a landlord had offered his tenants a lease for ever at fair rents, they would have been prepared to pay a large fee or submit to a large fine in order to become possessed of it; but now a lease for ever is conferred on them without requiring any fine at all, and then it is said that this Bill is not a measure of confiscation. Well, my Lords, if this is a lease for ever, which I have shown it is, it is a monstrous proposition that, unlike the clauses contained in such leases, the landlord has not the right to re-enter upon a holding that belongs to him upon the deliberate

breach of a statutory condition, without being liable to the full penalty for disturbance which he would have to pay consequent on a notice to quit; and he will be in exactly the same position as if he had capriciously evicted his tenant, although the tenant, holding a lease for ever, has broken one of the conditions upon which he holds that lease. I appeal to your Lordships whether this is fair and just, and whether an alteration in this clause ought not to be made in Committee. Well, my Lords, I now come to the ornamental clauses, and I shall not detain you long, because I consider them almost entirely inoperative. The first we come to is the scheme for creating a peasant proprietary, which I believe is the best proposition made in this Bill, because I have long thought that it is the only possible manner of settling the Irish Land Question, and bringing back peace, contentment, and prosperity to that country; but this scheme will, I believe, be inoperative, because I do not see any arrangement made to produce funds sufficient to carry it out, and there are none existing in Ireland for the purpose; and also because I believe "free sale" will act directly against it. Have your Lordships considered that if a man has purchased his tenant right, he will be paying twice over the fee simple of his holding, if he wishes to purchase the freehold in addition to what he at present possesses? For instance, a tenant whose rent is £20 a-year, put the tenant right at 20 years' purchase—a very moderate sum in the North—this would equal £400; if he buys the fee at, say 25 years' purchase, that will be £500 more, or, taking them together, 45 years' purchase. Do your Lordships believe that any land in Ireland will be worth 45 years' purchase, or £900 for a farm rented at £20 a-year, after the passing of this Act? What will happen if he wishes to realize? Do you think he will be able to sell both rights at the same time? I think that is impossible to suppose; but, if he should wish to do so, I doubt very much whether he would get more than the fee, or 25 years' purchase, for what he had paid 45 years' purchase to become possessed of. I think for this reason that free sale is enormously against the possibility of tenants taking advantage of the Purchase Clauses of the Bill; and I think this is a great pity, because I have long

considered that to make property secure in Ireland it is necessary largely to increase the number of peasant proprietors, and it is the only means of escape for those landlords who do not wish to submit to the penalties contained in this measure, for their position under it would be intolerable. Their property would be rendered unsaleable, as the purchaser would only give such a price for it as the Land League would allow him to. I have several times mentioned the necessity for compensation; but I believe it would be most difficult to arrive at the absolute value of rights taken away under this Bill, some of which represent a large money value, but others, equally valuable, are matters of sentiment. The only possible way of arriving at compensation would be purchase by the State at a given number of years' purchase where the landlords could show they had had loss. This might have been arrived at without costing the British taxpayer one shilling, because the estates so bought could have been mortgaged, and the money borrowed at a very low rate of interest. It has been said that if the landlords cannot collect their rents, how could the State collect them, and that it would not do for the State to become the landlords of Ireland. But, my Lords, the State would not become the landlords of Ireland, it would be merely the holder of a mortgage on the lands purchased, which mortgage was being paid off, principal and interest, each year during 35 years; the farmers would not look upon it as rent, because rent goes on for ever, and this would cease at a given time, and by every payment they would be reducing their debt to the State. Therefore they would not repudiate it, because by so doing they would lose the money they had already paid—just like a man who had insured his life will go through any privation rather than, by giving up paying his premium for one year, lose all he has paid before. But, my Lords, if the Government are so blind to the facts as to say there is no confiscation, they can hardly deny that for the future there is only one possible buyer of Irish land. The whole British and Irish public are swept from the market; the occupier will be the only buyer, and he will be prevented from buying by what I have pointed out. My Lords, if there are no other losses to the Irish landlord under

this Bill, I cannot see how it can be denied that his property is rendered unsaleable, and the value of it enormously deteriorated. As it is, I believe the intention of this measure is to fetter the landlords to their properties, so that in the future, when the next agitation takes place, the British Government will be able to confiscate the only thing then left to them—namely, the head-rent of the estates which they once called their own. Now, my Lords, with regard to emigration, which always finds such great advocates on this side of the Channel, for wherever the English people find Ireland difficult to govern, they always propose a wholesale depopulation of that country. My Lords, I think it a poor thing that this great, this rich Empire, should only be able to find two remedies for the constantly recurring distress in Ireland, and that one of those remedies should be the confiscation of the landlords' properties, and the other the still greater removal of a population which, in many places, is already too small. I will not deny that in certain poor districts in the West of Ireland the population is much greater than the produce of the land can support; but that is not the case over by far the greater area of that country. I believe that every emigrant who is likely to succeed in foreign lands is an enormous loss to the land of his birth. I ventured to point out on a former occasion that State-aided manufactories were the only true way of relieving distress in the West of Ireland, and I was met by the answer that it would be against the principles of political economy. But I have noticed since the Liberal Party introduced the Compensation for Disturbance Bill of last year and the present measure that they have given up talking about political economy altogether; and I cannot see the great difference between advancing money to Companies for the establishment of manufactories, and advancing money for the reclamation of waste lands, of which there is a proposal under this Bill. But, my Lords, I need not deal with either the questions of reclamation or emigration, because neither of these clauses can possibly be made the least use of as they are at present worded. Who would suppose that any Company would lay out money on reclamation, when they know that the moment

the lands were let to a tenant, he would have perfect power to sell all their improvements for his own advantage? Well, my Lords, I shall not detain your Lordships by dealing with the questions of leases, or of arrears, or of that much-to-be-pitied class, the farm labourers, and I shall leave these most important subjects to be dealt with by other noble Lords, who, I have no doubt, will discuss them; but this I must say, that the way leases and arrears are dealt with seems to me the most demoralizing feature in this demoralizing Bill. My Lords, I have confined my remarks to the main features of this Bill, which I have said is a measure of confiscation, partly rendered necessary by the present deplorable state of Ireland, and that I believe full compensation ought to be given, more especially as the present state of Ireland has been mainly brought about by the weakness of the present Government. The Irish Executive reminds me of an indifferent rider on an impetuous horse, who, instead of riding him with a steady seat and firm, but gentle hand, throws the reins upon his neck and holds on by the spurs, thereby irritating him into a state far beyond control. My Lords, I believe the policy of the Irish Government has been a policy of weakness and irritation. I am not one of those who blame the Government for not having renewed the Peace Preservation Act last year; because it would have been impossible, in my opinion, having regard to the state of Ireland when they succeeded to power, having regard to the statements made on the hustings that Ireland was in a state of comfort and satisfaction, that the first measure of a Government, pledged up to the eyes to give everybody everything they wanted, could have been the renewal of an Act suspending the liberties of the Irish people. But, my Lords, I find the greatest fault with every action of the Government since that time. Every measure taken to preserve law and order in Ireland has invariably been taken two months after it would have been effective, and has merely acted as an irritant upon the people. My Lords, I believe that the Act which was passed last winter, and which no one can deplore the necessity of more than I do, would have been perfectly unnecessary if the ordinary law—as stated in a Circular

sent round to the magistrates of Ireland—had been properly enforced. But, my Lords, the Chief Secretary for Ireland has at last thrown off the mask, and the mist that has hung over the extraordinary proceedings of the Irish Executive during the past year is now cleared away. The intention of the Chief Secretary for Ireland throughout must have been the ruin of the Irish landlords, because no man in the United Kingdom can be so well aware of what the effect would be of the addition to the Bill which he allowed to be made at the end of last week, and for which he thanked Mr. Parnell. He waited until the measure was nearly passed to show his real intentions, for fear of frightening his followers, and then, when he considered it safe, he threw off the mask and appeared in his true colours. My Lords, I sincerely wish that I could believe that this measure will really be a “message of peace” to Ireland, and that by the sacrifice of the landlords’ rights a lasting settlement of this much-vexed question will be brought about; but my belief is that when the measure becomes law, things will become even worse in Ireland than they are at present, and that, acting up to the apparent wishes of the Chief Secretary for Ireland, tenants will refuse to pay any rent at all until a judicial rent has been fixed. If this takes place—and I already see signs that it will—it will prove that right cannot come out of wrong, and that laws framed contrary to all principles of political economy, and against all theories upon which nations have been governed in the past, can lead to nothing but dire and desperate disaster in the future.

THE EARL OF DUNRAVEN said, that before attempting to unravel the mysteries of this Bill he would say one word in protest about the way in which it was introduced. The Bill was under discussion in the other House late on Friday evening, and was read a first time the same night at a special Sitting of this House, and the second reading fixed for this evening. The Bill was not printed until Saturday afternoon, and their Lordships’ House had, therefore, practically speaking, one day, and that a Sunday, for the consideration of a measure of vast importance to the country. He was not a strict Sabbatarian, and had even advocated in that

House the desirability of enjoying reasonable recreation on the Sunday; but it was impossible to say that racking one's brains over the tangled intricacies of that Bill could be considered wholesome recreation for anyone. If they were not to consider a measure carefully and critically then they might as well abstain from the empty semblance of doing so; and if a measure of that kind was to receive proper consideration, it ought not to be taken for second reading on Monday when it was only printed on the preceding Saturday afternoon. Such indecent haste was not complimentary to their Lordships. He had no desire that the passage of the Bill should be retarded in any way. On the contrary, he hoped that the House would sit on Wednesdays and Saturdays, as far as convenient; but it was asking too much to propose that a Bill of that nature should be read a second time after it had been in their Lordships' hands only a few hours. If it were a simple measure, the time would be short enough; but the first thing that struck one in contemplating a measure which, in order to carry out its intentions, should be comprehensible to all those to whom it applied, was its complicated nature and the number and intricacies of the checks and balances which it contained, and the ambiguous nature of its language. A measure which ought to be clear, simple, and precise was about the most complicated measure that ever had been introduced into Parliament; and if any Amendment were made in it, one provision should be that a properly qualified interpreter should be employed on every townland to explain the Bill to the tenants. When, after some difficulty, a conclusion was arrived at as to what was meant by the terms of the Bill, the nature of it became pretty clear, and it was possible to form an estimate as to what the result of the Bill would be, and how far that result would bring about the ends and objects which it was intended to gain. What did the Bill do? He contended that it changed the whole system of land tenure in Ireland. The rights of ownership were taken away from landlords and given partly to tenants and partly to a Land Commission. Landlord and tenant were for the future to have certain rights and properties in the soil subject to the authority and direction of a Commis-

sion, which was practically the landlord—the lord of all the land in Ireland in all respects, except in the enjoyment of the money value of the land. Tenants were given new and valuable rights, or, to put it another way, which, however, involved an entire fallacy, ancient, nominal, and valueless rights were revived and made valuable, and the value was taken, and must be taken, from the landlord. The landlord lost this value in his estate, and he lost also whatever value might be attached to rights of real ownership. He was no longer a free man and an absolute owner of his property; he became a partial owner only, subject to the scrutiny and interference of an authority superior to him. His position was as different from what it was as was that of a man under control from that of a free man. The Bill took away all liberty of contract on the part of the landlord; but it left almost complete liberty of contract between tenant and tenant, who, for the future, would have the disposition of the land of Ireland in his hands. The Bill granted, to all intents and purposes, the “three F’s;” and fixity of tenure, free sale, and fair rent constituted, if taken together, a tenure as different to the present tenure founded on free contract as any two systems could possibly be. He trusted the House would take the view that the Bill revolutionized the system of land tenure; that it instituted a new system which, if it were better than the existing system, could prove its superiority only by being largely applied, a system which certainly offered great advantages to tenants for the present, advantages worth money to them, and which deprived landlords of rights and privileges of great value to them. If the Bill was much restricted it could do little good to Ireland. If it passed Parliament without the principle of compensation being recognized, he believed an Act would have obtained the sanction of the British Parliament more unjust than any measure that had ever been approved by any Legislative Assembly in a civilized community. He was not particularly hopeful of the general and permanent results which this Bill was likely to have in Ireland. He was very doubtful as to the future effects which the change of tenure would produce. But that was a question which experience alone could settle. The change

would chime in with the feelings of the people. They were taking a new departure in Irish politics. It was an experiment—a leap in the dark—and it was hard to form a sound opinion as to how far the “three F’s” were likely to prove beneficial. Judging by the former opinions of very able men, the change was not unlikely to be injurious, and certainly involved injustice to the present owners of property in land. Baron Dowse, when Solicitor General for Ireland in 1870, spoke of such an interference by a Court as was contemplated in that Bill as being “completely subversive of all the relations between landlord and tenant.” In the course of the second reading of the Bill of 1870, Mr. Gladstone deprecated

“Any provision by which men shall be told that there shall be an authority always existing ready to release them from the contracts they have deliberately entered into,”

and he could not then conceive

“A plan more calculated for throwing into confusion the whole economical arrangements of the country, and carrying widespread demoralization throughout the whole mass of the Irish people.”—[3 *Hansard*, cxcix. 1845.]

It was true that the Prime Minister denied that fixity of tenure was granted by this Bill, though he formerly stated that valuing rents, which that Bill certainly did, would be tantamount to granting perpetuity of tenure. He said that perpetuity of tenure was not given, only security and durability. Practically speaking, perpetuity of tenure was granted, and they had the high authority mentioned for saying that such perpetuity was not likely to be beneficial to the country, and, moreover, that it could not be given to the tenant without taking away something valuable from the landlord. On that point, Mr. Gladstone said—

“Perpetuity of tenure on the part of the occupier is virtually expropriation of the landlord, and in such cases compensation would have to be paid to the landlord for the rights of which he would be deprived.”

He appealed to any unprejudiced man to say whether the new tenure, 15 years’ leases renewable for ever, was not practically perpetuity of tenure; and he appealed to the words of the Prime Minister to prove that perpetuity of tenure was practically expropriation, and that expropriation should be paid for. On

The Earl of Dunraven

the second reading of the Bill of 1870 the noble and learned Lord upon the Woolsack said that

“Fixity of tenure in plain English amounted to the taking away of the property of one man and giving it to another. . . . No doubt we may take a man’s property; but, in that case, we must compensate him for it.”—[*Ibid.* 1866.]

The noble and learned Lord spoke of fixity of tenure, and said that “fixity required compensation.” But now that “durability” and “security” were given, there was no mention of compensation. It would require the ingenuity and casuistry of the whole Jesuit College to show any practical difference between perpetuity or fixity and such durability and security as were provided by this Bill. This Bill did grant, practically speaking, perpetuity of tenure subject to periodical valuations. The same conditions as to rent, payment, waste, and sub-division which the noble Lord (Lord Carlingford) said in 1870 would be ineffectual were contained in this Bill. Why were they to suppose that sub-division was better guarded against now than then? But sub-division had been one of the chief causes of Irish distress. He did not see why public men should not change their opinions. If a man might not change his opinions there was no sense in urging anything before Parliament. But in this matter of Irish legislation the opinions of the most prominent men had been changed to a very remarkable extent. The Prime Minister denied, over and over again, that joint proprietorship between landlord and tenant was a good thing. But in introducing this Bill he said that “he did not admit that joint partnership was a bad thing.” As for free sale, the Prime Minister stated, in the debate on the Bill of 1870, that he and his Colleagues

“Distinctly declined to admit that they were going to provide the same legislation and the same compensation for men who had paid nothing at all when they took their holdings as they would provide for those who had invested large sums of money.”—[*Ibid.* 1840.]

But that was precisely what this present Bill did. On that point the noble and learned Lord on the Woolsack spoke of extending the Ulster Custom to the rest of Ireland as a “manifest violation of the principles of justice.” But, as far as free sale was concerned, the present

Bill did, to all intents and purposes, extend the Ulster Custom over the whole of Ireland. In contradistinction to all the assertions made 10 years ago by the Prime Minister to the effect that free sale over the whole of Ireland was not allowable and could not be granted without great injustice to the landlord, the same Prime Minister now said that it was

"Distinctly and decidedly the least open to objection of any part of the Bill," and that "it was almost absolutely ingrained in the necessities of the case and in the circumstances with which we have to deal."

These were marvellous changes of opinion. He could understand men changing their opinions as to the expediency of a measure; but he could not comprehend how they could change their views as to any hardship or injustice accruing to individuals under it. The right of assignment might have existed in law 200 or 300 years ago; but it was valueless, because there was nothing to assign. The present Bill made very valuable that which was previously valueless, and pretended that that value was created out of nothing at all. According to that Bill, the only way in which Ireland could return to freedom of contract was by present tenancies becoming future tenancies; and, as far as he could see, the only way in which that could be done was by a breach of the statutory conditions. It was only, therefore, by a breach of the statutory conditions of this Act that Irishmen could arrive at the freedom of contract which was to be some day so beneficial to them. In other words, Ireland's social relations would permit of freedom of contract whenever Irish farmers were prepared to break the conditions on which they held their land. That was a somewhat curious view to take of the social relations of a country. At one time the attention of the Irish people was called to the fact that outrages led to the consideration of the Disestablishment of the Church. At another they were told that a notice of eviction was tantamount to a sentence of death. Last Session a Bill was introduced which would have enabled tenants to avoid payment of rent if they only chose to swear hard enough that they could not pay. And now the people of Ireland were told that freedom of contract was the best thing that they could have if they were fit for

it, but that they were not fit for it yet, and could only be made fit for it by breaking the statutory conditions of this Bill. The only wonder was that there was any morality at all left among the people. ["Oh!"] Ministers had stated the objections to this measure, in language much better and stronger and clearer than any at his command. This did not prove that the "three F's," or the terms in which they were granted by this Bill, must of necessity be injurious to Ireland. As they were considered by these great authorities to be both unjust and injurious a very few years ago, they should not build their hopes too high on such a very rickety foundation as the opinions now expressed by the same authorities. The Bill was satisfactory in one respect. It protected the undoubted rights of the tenant in his improvements. He had a perfect right in equity to the enjoyment of, or the value of, any improvements he had made, and to nothing else, and in this respect the law should be made to conform to equity. The fatal error in the Act of 1870, and perpetuated in this Bill, was the principle of compensation for disturbance. That principle once admitted, tenants would not rest until it was developed to the fullest extent, and would claim that they had a right to their holdings under all and any circumstances. That the tenants' improvements only ought to be considered was borne out by that clause in the Bill which exempted estates on which the landlords had made all the improvements from the Rent Clauses of the Bill. If in such cases the owner might raise rent to such an extent as to preclude any tenant right, it was proved that tenant right consisted in the value of the tenants' improvements. If the Commission had been instituted to assess the full value of tenants' improvements in all cases, and if it had been authorized to act as an arbitrator in all disputed cases of rent voluntarily submitted to it by both parties, under those circumstances a fair settlement would have been arrived at. The whole circumstances of the case would have to have been taken into consideration in determining the value of the improvements, and if the interest of the tenant was confined to that they would be able to arrive at a standpoint; but if they gave any further rights to the tenant, they

might depend upon it that he would carry them out to the fullest extent and great confusion would ensue. The Bill endeavoured to run with the hare and hunt with the hounds—to guard the people against all the evils which might possibly arise from landlordism, and, at the same time, to keep for the people all the good results of landlordism. It strove to do too much, and in that respect might fail. The people could not be both independent of landlords and also reap the benefit of wise and improving landlords. The existence of land hunger and of a few bad landlords were some of the reasons given by the Prime Minister for legislating. The latter was a bad reason. It would be madness to legislate to counteract the evil effect of a few Irish landlords if by doing so they also counteracted the good effect produced by many prudent and improving landlords. “Land hunger” was only another term for scarcity of land, and that was only another way of stating that there were too many people bidding for land. Scarcely anything was done by this Bill either to diminish the demand for land by helping the people to find the means of subsistence elsewhere, or by providing them with some other means of subsistence here. The evil had been counteracted by the action of the landlords. They were content to take less than they could get for their land, and, at the same time, would not allow tenants to give more for a farm than it was worth in the way of premium. As it was now, land would be subjected to almost unbridled competition. A check was provided by the provision giving landlords the right of pre-emption at a fair price; but the action of the landlord would be greatly hampered by the fact that the principle of free sale, the right of selling in the open market, was conceded in the Bill. It was hard upon the landlord that, in order to check competition, he should be forced to place himself in direct opposition to a privilege granted by this Bill. Competition would be increased instead of checked on the whole. The real difference would be that the advantages to be gained by competition would be transferred from the landlord to the tenant; that was, transferred from the man who used it with moderation to men who were not likely to be moderate in the use of it. What other reasons were

there for legislating? He put on aside the Report of the Beesborow Commission. That Report was not worth a row of pins. The noble Duke (Duke of Argyll) the other day concisely showed up the value of the evidence; and although the conclusion arrived at might be perfectly correct they must be considered merely as opinions of certain individuals, founded on their personal observations or evolved out of their moral consciousness, and not as opinions founded upon evidence. Practically, the case was this—A set of things existed in Ireland requiring some remedy, and, in order to meet the views of those who, having heard some one say “Force is no remedy,” thought it rather a nice-sounding phrase and pretty catch-word to repeat, “so legislation must be tried.” Only a few months ago the Prime Minister declared that Ireland was enjoying a state of comfort and prosperity hitherto unknown in its history; and they now knew the authority of a former Cabinet Minister that an Irish Land Bill did not form part of the original programme of the Government. Nothing had occurred since then to make legislation necessary. Harvests had been exceptionally good. Landlords had not been acting in an unusual way, except that, instead of being paid their just debts, they had been buying their own rents. Nothing had occurred in Ireland except an agitation and a reign of terror; and they were forced, however reluctantly, to the inevitable conclusion that this Bill was a sop to that agitation. In Russia when travellers were pursued by a pack of wolves, something was chucked on board to keep off the hungry wolves, and so in Ireland, whenever there was any outcry, some landlord’s proposal was chucked out. Whatever the motives for the introduction of the Bill, it allowed that they ought to look at the Bill and judge of it on its merits, and consider it with reference to the state of things in Ireland at the present moment. The one thing they had to consider was whether the system would be more suited to the Irish ideas than the present system, and he did think that the Bill would be more suitable to the Irish character in that respect. Irish tenants had always looked upon their holdings as a certain extent their own property; and an Act legalizing that custom, and turning

ing their idea into reality, would be quite in accordance with their sentiments. It might be for the benefit of the country to transfer certain rights from the landlord to the tenant. If so, by all means let it be done. Only it should be done with due regard to the principle that the State was bound in such cases to make good any loss accruing to individuals. Compensation for loss of property taken by the State from individuals for the benefit of the community was the great principle upon which all civilized society rested, and it was most dangerous to invade it. There were many things which had occurred in Ireland for which no compensation could be given. They could not compensate the people of Ireland for having allowed them to be so evilly-entreated by agitators. They could not compensate the law-abiding people of that country for allowing them to be outraged by a lawless agitation, and for the distrust of law and the Executive power which they had learned, through the failure to afford them proper protection. They could not compensate landlords for the fact that the feelings of their tenants had been estranged from them. They could never compensate him for the fact that men among whom he was born, and with whom he had lived on terms of intimacy and friendship, had been forced to put themselves into antagonism to him. These were matters for which no compensation could be made. The effect and the recollection of them would die out in time, but perhaps not during the lives of the present generation. In some ways, however, the landowner might have been compensated. Compensation could have been given without costing the State anything, by authorising the Commission to take over existing mortgages at the present rate of interest, which was $4\frac{1}{2}$ per cent, and allowing $1\frac{1}{2}$ per cent of that interest to go to form a sinking fund, whereby the capital of the mortgage debt would be paid off in a certain number of years. As the State could borrow at 3 per cent, this transaction would not cost the State a penny. Compensation was denied on the ground that there was no confiscation; and confiscation was denied on two grounds—first, that landed property would increase in value; and, secondly, that the rights of which landlords were deprived were not

founded in equity. As far as the first contention was concerned, it was quite impossible to prove that land would increase in value. Even if the selling price of land did increase, that was no reason for refusing compensation. If they took away certain rights from owners of land, they could not refuse in justice to compensate them for the loss by proving, even if it were possible to do so, that the value of their property would be improved. If the rights were legal, that was sufficient to found a claim. It was no argument to say that the landlord should never have been given the rights he had enjoyed, or that certain rights should never have been taken away from the tenants. They could not remedy one injustice by committing another. The opinions of people as to the equity of any law or system of tenure or usage of any kind might vary from generation to generation or from year to year; but if there was to be any social stability, if individuals were to devote their capital and energies to those pursuits and in those directions which caused a people to progress in civilization, individuals must be guaranteed against fear of those changes and from their effects by knowing that they would receive an equivalent for any loss of property involved in such change. On most estates in Ireland landlords had contributed half the costs of maintenance and improvement, and had charged nothing in the way of additional rent. Was the landlord to be deprived of his share in those improvements? If the custom of an estate had been for the landlord to find half the cost of maintenance and improvement up to the present, would he be able to obtain compensation on the occasion of a sale that might take place 25 or 50 years hence? They forbade the proprietor, who had contributed a portion of the maintenance and improvement and had charged no interest whatever, to raise his rents sufficiently to cover his expenditure. If that were to be done, rents would be almost universally raised throughout Ireland, and the whole object of the Bill would be frustrated; for, if the result was to raise rents, the Bill would be perfectly useless. It was hoped that the Bill would not be universal in its application—that portion of it which enabled the tenant to apply to the Court to have his rent fixed. It was obvious that if every tenant were to do so the

Commission and the Courts would never get through the work. If, therefore, the Bill was to work at all, such cases must be comparatively rare. He did not think himself that the amount of litigation would be so great as was supposed. One or two tenants on an estate or townland would try the rent question, and the result would be looked upon as a test affecting the whole townland or property. It was hoped also that on many estates the tenants would prefer to remain as they were, and would prefer the amenities of a good landlord to the stern justice of the Courts. But, in such cases, the landlord should surely be safeguarded against any change of mind on the part of his tenants, otherwise he would scarcely venture to lay out much money for fear of being suddenly called upon to fulfil the disagreeable and, perhaps, very difficult task of proving every penny to the Court. To the other provisions of the Bill he would only briefly allude. He trusted that the attempt to create a peasant proprietary would prove successful; but probably no very great number of Irish tenants would avail themselves of that provision from the fact that they would prefer to remain statutory tenants. He had little faith in peasant proprietors in Ireland, as neither the soil nor the climate of the country was suitable to the existence of a prosperous and numerous body of very small freeholders. The result would be that they would get into debt, and their properties would fall into the hands of money-lenders and shopkeepers in small towns and villages; so that the creation of a body of peasant proprietors would be followed by the creation of a number of small landlords, who would deal very hardly with their tenants. The Emigration Clause was too restricted. It would do good, no doubt, to a certain extent; but the amount of money was too small for permanently affecting the prosperity of the country. It was a mistake to suppose that assisting emigration was unpopular in the country. He did not believe that to be the case, though it was unpopular with those agitators whose stock-in-trade consisted of a starving and discontented people. In no way could public money be better employed than in assisting the people to emigrate at the least possible inconvenience and pain to themselves; and nobody would deny that the rent difficulty in Ireland would

be settled satisfactorily if the people of the country showed so little disinclination to leave Ireland that sooner than pay more than they ought for a farm at home they would seek for a farm in some other portion of the British Empire. He hoped that Irish landlords would do their duty to the best of their ability under an altered condition of things; but they could scarcely be expected to take the same pride or pleasure in their properties, or to occupy themselves, as they had hitherto done, in regarding the welfare of the labourers and the poorer classes upon their estates. Whether the Bill worked well or not would depend upon the moderation of the tenants in the exercise of their new rights, and upon the landlords doing the best they could under the new circumstances. He hoped the action of the Bill would not be restricted or modified in any material respect, and that leases would not be excluded from its operation, nor ought those tenancies to be excluded where the present rent had been paid for a certain length of time; that would be merely punishing the honest men for their honesty. He should prefer to see the application of the Bill as extensive as possible. Its only chance of being beneficial lay in its action being as widespread as possible. If the country did not settle down quietly under it, it could not have fair play, and the country would not settle down quietly under it if great districts were excluded from it. The new system of land tenure should have a fair field and a fair trial; but the landowner ought to be compensated for the loss which he sustained under it. If he were not, a great injustice would be done. No one could pretend to say that the new tenure was as valuable to the landlord as the old tenure, of which he was to be deprived; and even if the debt were not paid it should be acknowledged. He hoped the Bill would pass; first, because under the condition, the lamentable condition, to which Ireland had been allowed to fall it would be most disastrous to that country if this measure should not become law. He trusted that this Bill might be read a second time, and that its scope and sphere of action would not be materially curtailed in Committee. The happiness and welfare of his countrymen in Ireland were very dear to his heart, and he should be much pleased if the Session

of 1881 should be marked by giving to his country peace and contentment.

THE EARL OF LYTTON: There are so many of your Lordships whose personal interests are immediately and materially affected by the Bill before us that I must apologize for attempting to occupy any portion of the time that has at last arrived for the discussion of it; and if I could look upon it as a purely local measure, raising questions exclusively Irish, I would not have taken part in this debate. But no one who has watched the origin and progress of the Bill can doubt for an instant that we are now dealing with a measure of momentous consequence to all parts, all classes, and all interests of the United Kingdom. I believe this measure is, in the highest degree, mischievous and dangerous; but, in the peculiar circumstances of the case, there are reasons why your Lordships may hesitate to reject it. I wish, however, for my own part, to take the earliest opportunity of disclaiming any acquiescence in the principles and objects of this Bill, and to record the strongest protest in my power against this sort of legislation, which may hereafter be cited as a precedent. I make this protest on a threefold ground. In the first place, I think it is a revolutionary concession to the threats of rebellion, and it is a concession which never would have been required if timely steps had been taken to protect the unity of the Kingdom and the rights of property and of person. In the next place, I am sure this Bill will fail to secure the only result which could possibly justify its introduction—namely, the pacification of Ireland. And, in the third place, it is a step, and it is a long step, to a course which cannot lead to any other issue than the disruption of the nation on the one hand or a civil war on the other. These are the three grounds on which I join issue with the Bill. Allow me to explain them as shortly as I can. I have said that the Bill is a revolutionary concession to threats of rebellion; and I say this because no other view of the case can possibly account, and because this view of it does completely account, for the peculiar character of the measure which now lies upon the Table of your Lordships' House. For what does this measure propose, and what are the only principles upon which its proposals can be based? My Lords, I am not going

to enter at any length into the details of this Bill, which is very intricate in its arrangement, and very obscure in its language. But this I think I may say of it in general terms, without fear of going far wrong, or doing it any injustice. It proposes to take from the landlords and tenants of Ireland the power of making their own bargains with each other about the land in which they are mutually interested; it proposes to institute a Court of Justice for the regulation of their business transactions and relations, on a basis giving to the tenant an interest in the land at once more permanent and more valuable than any to which he is at present entitled; and it cannot be denied that it is entirely at the landlord's expense that the tenant will acquire this new and considerable interest. Broadly, and apart from all questions of detail, this is a Bill for diminishing the proprietary rights of Irish landlords; it is a Bill for enlarging, at their expense, the interest of the tenants in the land they occupy; it is a Bill for destroying all freedom of contract in respect of the occupation of such land; and for regulating the relations between landlords and tenants by the decrees of a Court of Justice. I do not stop to dispute whether it is an abuse of language to apply the word "confiscation" to such a measure. I do not specially insist on the proposition, though it appears to me unanswerable, that the Bill is revolutionary. Whatever name may be given to the Bill its main features speak for themselves. It deprives of proprietary rights, and without compensation, a whole class and a most important class of the community. This is commonly called confiscation. It forcibly introduces a sudden and a sweeping change into the social position and the habits of life of the greater part of the population of Ireland; and this is commonly called revolution. To me, therefore, the terms seem perfectly appropriate; but I do not care to insist upon them. Confiscations are not always bad; they are sometimes necessary, they are sometimes salutary. Revolution may, under certain circumstances, be largely beneficial; and if I regard this particular measure with misgiving and dismay it is not because it involves confiscation, but because the confiscation it involves appears to me to be unnecessary, unjust, and injurious. I recoil

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from it, not because it is revolutionary, but because the revolution is certain, I think, to inflict upon the whole body of the nation a wound which must be serious, and may be fatal. But now, my Lords, to pass from words and come to things. I suppose it will not be denied that those who propose changes of this nature ought to be prepared to justify them. The burden of proof is upon them. How do they sustain it? What foundation do they lay for their Bill? I have carefully followed what has been said upon this subject both here and in the other House of Parliament, and by the Ministerial organs in the Press, and, substantially, I think it all amounts to this. We are told in every variety of tone and form that something must be done—as though it were of no practical importance whether the thing done were a right thing or a wrong thing, so long as it is done and done quickly. It is said that matters have come to such a pass in Ireland that they can no longer be left as they are; that whether this Bill or another be adopted, legislation of a radical fundamental kind has become indispensable for the re-settlement of relations between the landlords and tenants of Ireland. Nothing else, it is said, and nothing less, can now satisfy the expectations that have been raised or allay the agitation that has been brought within a measurable distance of civil war; and, this being so, it is best to take the remedy provided by those who are at present responsible for the treatment of the disorder lest a worse thing happen to us. I am by no means prepared to dispute the probable truth of all this. Here, I think, and now, the truth of it may be unreservedly assumed. It is quite possible that, as matters now stand, the rejection of this Bill might be the signal for insurrection in Ireland; and I fear it is more than probable that, in that case, the authors and abettors of the Bill would endeavour to throw the whole responsibility for the result upon your Lordships' House, while, at the same time, the protection afforded by Government to the lives and properties thus endangered would be timid, scanty, and ineffectual. All this I acknowledge; at least, I do not contest it. To your Lordships it may, as I have said, suggest many reasons for not summarily rejecting the Bill which is now before us. But

between submission and approval there is a difference. To my own mind it does not constitute a conclusive argument in favour of the Bill; and for the simple reason that I cannot recognise in the Bill a final settlement of any of the serious questions it raises and disturbs. I do not believe that the Bill will pacify Ireland. I do not believe it can long postpone the dangers it is professedly designed to prevent; and I am persuaded that, sooner or later, we shall be placed by it in a position which will oblige us either to see the independence of Ireland established by the menace of civil war, or else firmly and unflinchingly to accept the challenge thrown out to such a war. I must confess I look upon acquiescence in revolutionary legislation as a greater national evil than resolute resistance to open insurrection. But I admit the plea of necessity in the limited sense of the considerations which I have mentioned. What I do not acknowledge or admit is that any sort of necessity, or even justification, can be shown for the present measure in a wider, a worthier, or a higher sense. Fear, my Lords, is a perfectly intelligible argument in favour of anything. But, if you put aside the argument of fear, what justification remains for the Bill now before us? Is it desirable on the broad ground of general expediency? Several reasons make such a contention absolutely impossible. They are so obvious, so conclusive, so little disputed even by those against whom they press most strongly, that it would be a waste of time to enlarge upon them. There are, however, some essential features of the Bill which, in relation to the question of general expediency, we cannot afford to lose sight of. In the first place, this Bill introduces, or, if you will, confirms and establishes, a system of divided ownership. Henceforth the land of Ireland will not, in the full sense of the word, belong to anyone. The landlord will have no motive to invest capital in it, but every motive to avoid any outlay at all upon it. He will have just enough interest in it to prevent the tenant from feeling himself the owner of the land, and no more. You thus drive from the land of Ireland the very thing of which it stands most in need. You deprive it of the judicious application of capital; and you deprive it of the master's eye, which is just as necessary for the good

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management of the field as for the good management of the household. And this bad state of things will be made worse by another part of the measure, which is even more efficacious for mischief. You do away with freedom of contract. The land is capable of being improved in a thousand ways. The obvious and usual way of effecting such improvements is by contracts, the terms of which enable the landlord on the one hand, and the tenant on the other, to protect his interests. These are the means by which, in Ireland as elsewhere, the land must be improved, if it is to be improved at all, by those who are interested in it. No, says the Bill, you shall do no such thing. The landlord and tenant are not to be trusted to look after their own interests, or make their own bargains, except, perhaps, through the intervention of a lawsuit. But, on more general grounds of expediency, the Bill is open to most serious objection. A large part of Ireland is hardly fit for the habitation of human creatures, to say nothing of a dense population, even if the land were given to its occupiers in fee-simple. There are parts of Connemara, Donegal, and Mayo where the land is so poor that the population, if large, can live on it only at the risk, as sad experience has taught us, of famines and sufferings which have no parallel out of India. But this Bill will root to the soil a pauper population, and will thus lay the foundation for more famines, more discontent, more agitation. It will organize pauperism at one end of the social scale, it will paralyze capital at the other, and throughout the intervening grades of the whole agricultural community of Ireland it will place the peasant and proprietary classes of the country in a condition of inevitable and interminable antagonism to each other. It will convert every tenant into a potential lawsuit, every landlord into a ruthless creditor. The landlords of Ireland would be more than human if, after this Bill has passed into law, they did not exercise whatever legal rights and remedies it leaves them in the sternest commercial spirit. Henceforth, I presume, the landlords will have no inducement to tolerate bad debts; and every tenant who again falls into arrears must expect to be summarily sold up. How all this can improve the relations between the landlords and tenants, or

conduce to the contentment and well-being of Ireland, I am quite unable to understand. But it would be superfluous to multiply proof of the absolute impossibility of defending or accepting this Bill on the broad ground of general expediency. To understand or discuss such a Bill as this we must quit that ground. We must altogether abandon the only ground hitherto regarded by statesmen as a sound basis for legislation, and we must try to find some other. Well, then, what are the arguments we are to accept in favour of this Bill, not on the ground of general expediency, but with special reference to the exceptional condition of Ireland? We have lately heard a great deal about justice to Ireland. Let me say at once that I look upon justice to Ireland as a national duty which cannot be evaded; but I presume that justice to Ireland requires, as its first condition, a just appreciation of the practical difference between Irish facts and Irish fictions. Much vague talk we have heard of the wrongs of Ireland, of governing Ireland by Irish ideas, of the passionate craving of the Irish peasant for the land he occupies, of the wickedness of Irish landlords, and other such topics; but it has passed my powers to condense all this vaporous language into any clear, definite, and intelligible statement of reasons for the present Bill. The justice to Ireland argument, as I understand it in reference to the present Bill, rests on two propositions. The first is this—the Irish peasantry, it is said, hate the Irish landlords, because most of the landlords are Protestants, whereas most of the peasantry are Catholics; because many of the landlords are, or because their predecessors were, absentees; because the landlords represent and are supported by the English Government, which for a length of time treated the Irish in an oppressive manner as regards both their creed and their commerce; and because the title of the Irish landlords to their land rests more or less upon confiscations, the latest of which took place about 200 years since, when, the peasantry believe, the rights of their progenitors were sacrificed. Besides this, the peasantry would exceedingly like to have the land, apart from their hatred of the landlords; and this hatred of the landlord, coupled with the love for the landlords' land, constitute, it is

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suggested, a justification for the present Bill so far as it aims at taking from the one class and giving to the other a portion of the proprietary rights in the soil. The second argument is that the landlords have neglected their duties as landlords, and have thus become morally, though not legally, liable to have the consequences of their default repaired at their expense. My Lords, unless all that has been spoken and written on this subject and in this sense was meant to support one or other of these two propositions, I do not see what it can have had to do with the matter. As for the first proposition, I have tried to do it justice, and if I have not stated it fairly I should feel deeply indebted to any noble Lord who will point out to me the manner in which the so-called wrongs of Ireland can be brought into any sort of logical relation to the present Bill; but, if it is fairly stated, it rests on an argument which obviously requires no answer at all. "We are Irish, you are English; or we are Catholics, you are Protestants. Therefore we hate you; and therefore, to appease our hatred, you must give us your land or your money." My Lords, in reason, in justice, in common sense, in everything except intimidation, that is no argument at all, unless this also is an argument—"I am poor and you are rich, therefore stand and deliver." That is the argument used by highwaymen in all ages. It was the argument addressed to the Jews in the Middle Ages, often with great effect; and, my Lords, I am ashamed to add that, if you put aside all phraseology and mystification, it is in truth and in fact the only intelligible argument in favour of this Bill. In my own mind there is no doubt how such an argument ought to be answered; but if it is to be accepted or entertained for a moment, allow me, at least, to remind the House of the extent to which such an argument may be carried. I do hope that the people of this country, and especially everyone who has anything to lose, will take it carefully to heart. What is to-day the fate of the landlord may be to-morrow the fate of the capitalist. If the history of 200 years is to be re-opened, mills and machinery, and money in the funds, will not be found any safer from the operation of this sort of historical justice than houses and land. I am unable to perceive any moral or material differ-

ence between the two cases. What sort of Statute of Limitation can that be which bars the one claim and treats the other as open to discussion? Either we must take the existing state of facts as we find it, and regard established rights of property as sacred, making these the basis of our legislation, or else we must open up interminable social controversies, which cannot be brought by peaceable means to anything like a satisfactory conclusion, and which may rapidly be brought far within your measurable distance of civil war. My Lords, you cannot indulge in the luxury of class legislation for Ireland, which subverts universally-established principles, without eventually raising class questions in England. You cannot invalidate the rights of property in land without weakening the security of property in other things. My Lords, for my part, I deprecate historical discussions, and the revival of ancient subjects of dispute in the practical treatment of economic questions; but when they are introduced, I think it necessary to remark that I can by no means admit that all the merits of the discussion are upon one side. By all means I would say let bygones be bygones. But if the past is to be re-opened and discussed in defence of such principles as those on which you are now legislating, the discussion will not turn entirely to the advantage of the Irish peasant and his friends. Wrongs may have been inflicted on the Irish by the English; but wrongs, and grievous ones, were inflicted on the English by the Irish. I have no wish to attempt the balancing of an account which has, no doubt, heavy items on both sides of it; but this I say with confidence—if Ireland had been allowed to become an independent nation, governed according to Irish ideas, under James II., the most glorious events in modern English history would never have happened, the greatest services rendered by England to the whole human race would never have been performed. Ireland, throughout the 18th century and downwards, would have been ruled by a race of Kings in close alliance with the most despotic and bigoted Powers on the Continent, and bitterly hostile to all that Englishmen still, I hope, recall with pride and cherish with affection. Had England thus been placed between France and Spain on the one side, and

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Ireland on the other, would she ever have conquered Canada, or founded her Indian and Colonial Empires? I cannot help regretting that England's ascendancy in Ireland has been so commonly called Protestant ascendancy; for the question involved in it is not a theological, but a political, one. The establishment and maintenance of that ascendancy were essential to the growth, and are still essential to the preservation, of the greatness of this country. England was right to establish it, and she will be right to maintain it. Much of the legislation by which she formerly sought to support it was, no doubt, oppressive and ill-judged. I rejoice that it has been removed. But, my Lords, I maintain that in what is still the great and vital question at issue between English ideas and Irish ideas, as regards the government of Ireland, English ascendancy has represented, however clumsily and harshly, the cause of reason, good sense, and general improvement; and I maintain that Irish disaffection has never represented, and never can represent, any cause which is not irreconcilably incompatible with all these. My Lords, feeling this as deeply, and believing it as firmly as I can feel any national interest, or believe in any national principle, I implore your Lordships not to entertain the dangerous suggestion that because certain laws, long since repealed, were undoubtedly unjust in one direction, therefore we ought now to violate, in the opposite direction, the very first principles of justice; or that, because former generations of Englishmen were harsh and heavy-handed in their dealings with the Irish people, we, their successors, must now be abject, and fawning, and cowardly. Our fathers, it is said, have eaten sour grapes, and our teeth are set on edge. Be it so. But do not pull out our teeth merely to please certain persons who have set up a false claim to the vines. What position can be more irrational or more humiliating, I would even say more despicable, than that of a person who allows himself, or, what is worse, his friend, to be plundered and maltreated by a little man not half his own size or strength, because he is under an impression that many years ago his father did not treat the little man's father quite fairly about a transaction in which, after all, the little man's father was substantially in the

wrong? I shall say no more upon the first branch of the "Justice to Ireland" argument. I now pass to the other. It is said that the present measure may be justified as a penal one, brought upon the landlords of Ireland by their own demerits. This argument has been so much discredited that I need say little about it. Indeed, the noble Duke (the Duke of Argyll), who brought this subject of the Bessborough Commission before the House a short time ago, so effectually disposed of the evidence on which it was supposed to be founded that his arguments are hardly strengthened by the Prime Minister's admission that the landlords of Ireland have been tried and acquitted. It must have been satisfactory to all your Lordships, and I hope it was satisfactory to the Irish landlords themselves, to learn from so high an authority that they have been tried and acquitted. It would, perhaps, have been more satisfactory to all of us could we have been equally assured that, in these circumstances, they are not about to be executed. We cannot, however, conceal from ourselves that, although this reckless and cruel myth about the intolerable misdeeds of Irish landlords is now practically abandoned, it had produced all the popular effects it was designed to produce before it was discredited. For years and years the alleged abominations of Irish landlords have been the favourite theme of English Radicals. Eleven years ago, Mr. Bright declared that if Ireland were 1,000 miles away from England, justice would be done, or the landlords would be exterminated by the vengeance of the people. No one can say what outrageous wrong has been done by the Irish landlords. Yet these unaltered views have prevailed in the conception of the Bill. I acknowledge that the moral duties of landowners go beyond their legal duties. It may even be right to impose upon them penalties for the neglect of duties, or to supply by law terms omitted from contracts. If the Government had said the landlords had grossly neglected their duties, I should have been prepared to discuss such a measure on its merits. We should then have been dealing with a *bond fide* penal law. But to such a law this Bill bears no resemblance. It resembles no legislation ever sanctioned in cold blood by a civilized community. I have heard it

said that it bears some analogy to the land legislation of Prussia during the first half of the present century. But surely this is a delusion. The entire land legislation of Prussia is one long series of emphatic protests against divided ownership, and the first result of this Bill will be to establish divided ownership. It does not openly proclaim the State's approval of that mischievous principle; but the most repulsive feature of this Bill is what I cannot help calling its dishonesty. It professes one object, and it aims at another. It persuades with the voice of Jacob, while it betrays with the hand of Esau. Its most ardent supporters are encouraged to look to it for results which its official authors do not frankly avow. Commenting on the hope expressed by an eminent social critic, that the persons who avail themselves of the Purchase Clauses of this Bill will soon find divided ownership intolerable, and contrive, in some way or other, to get rid of it altogether, a writer let the revolutionary cat out of the official bag. "For this," he exclaimed, "is just what the authors of the Bill hope also. Only it can't be done at once. There is an interval to be bridged over." My Lords, you may call this a *modus vivendi*. Applied to existing proprietary rights it is, of course, a *modus moriendi*. It may be clever management, it may be adroit policy; but I must take leave to call it insincere and dishonest legislation. And when you have bridged over your interval, when you have built your bridge, when you have crossed your bridge, when you have got to the other side of it, what will you have arrived at? The transfer of the soil of Ireland from comparative capitalists, for no better or other assignable reason than that their ancestors were Saxons or Scandinavians, to comparative paupers, only because their ancestors are supposed to have been Spaniards or Phœnicians. If the authors of this Bill suppose they can establish throughout Ireland a system of divided ownership which will not eventually result in a complete change of ownership altogether, I must say their expectation is exceedingly sanguine, and it has no warrant in experience and common sense. But if, on the other hand, they foresee and accept this consequence of their present legislation, then, considering the novelty and im-

portance of such a purpose, surely they were bound under every obligation of fair dealing and plain speaking to write that purpose large into the title of their Bill. My Lords, I repeat, if this Bill were a *bond fide* penal Bill, it would, at least, be an honest one. But it is not a penal Bill. It cannot be a penal Bill, for the obvious reason that you have no evidence on which to found or to defend a penal Bill. There is nothing penal about it beyond the undoubted fact that it imposes penalties. It defines no offence, it provides no test or trial, it merely inflicts promiscuous punishment. From the familiar line in which Virgil has described the procedure of Rhadamanthus this Bill strikes out every word except the word "castigate." And Her Majesty's Ministers are virtually dealing with the landlords of Ireland just as a Judge would deal with a batch of prisoners in the dock, if he solemnly said to them—"Gentlemen, I am delighted to have the pleasure of making your acquaintance and informing you that your past lives having been carefully examined, no fault is to be found with them. A mass of evidence which was supposed to reflect on your character in some unascertained way (for I am happy to say you were never accused of anything in particular) turns out to be mostly irrelevant hearsay, and I hasten to assure you that in sentencing you to seven years' penal servitude I do not intend to say anything offensive. You leave that dock for the punishment which now awaits you without a stain on your characters." Such, in my opinion, are the only grounds on which the Bill can be justified. If all parties had loyally combined to tell the Irish people that no fundamental alteration of the Land Laws would be tolerated, our position would have been different from what it is now, and less humiliating. I well know that in 1870 the Government had no intention of taking from the Irish landlord what legally belonged to him, or of giving to the Irish tenant what he could not fairly claim. And yet, without knowing or intending it, the thing was done. You found in Ulster a custom which you rightly believed congenial to the tenants and conducive to their contentment, and you, not unnaturally, decided to legalize and extend it. But, my Lords, the legalization of custom is always a hazardous

experiment. Whenever you legalize a custom you change it, and you cannot quite foresee or foretell the practical operation of the change. Your object in 1870 was to limit freedom of contract and to strengthen the hands of those who did not possess legal rights and remedies. Then, as now, you were legislating in the dark. What has been the practical result? You have not contented the tenantry in other parts of Ireland. And, for the first time in the history of Irish land agitation, you have added Ulster to the ranks of the discontented. My Lords, in connection with the fresh and more far-reaching experiment we are now asked to undertake, I cannot help recalling a somewhat remarkable speech delivered in 1869 by a gentleman, of whom we have lately heard a good deal, and who was then Mr. Serjeant Dowse. In reviewing Mr. Gladstone's great series of remedial measures for Ireland, Mr. Serjeant Dowse was so transported by his enthusiasm that his language, like that of *Old Experience*,

"did attain
"To something of prophetic strain."

After observing that the Church Bill would give religious freedom, and the Land Bill agricultural security, to Ireland—

"These things accomplished," he said, "they would then have a happy, a prosperous, and a united people—happy, because no sense of injustice rankled in their breasts; prosperous, because they enjoyed the fruits of their own industry; and united, because the fell spirit of ascendancy would be banished for ever."—[*3 Hansard*, xciv. 1864.]

My Lords, how have these glowing predictions been fulfilled? Where is the happiness, where the prosperity of Ireland? In harvests which cannot be reaped, rents which cannot be collected, and wares which cannot be sold? What are the trophies of your great remedial legislation? Menaced homes; mangled herds and flocks; murdered men; the more and more openly and violently expressed impatience of the majority of the Irish population to be altogether rid of English rule; and the shamefully ineffectual administration of a very severe Coercion Bill. Where, too, is the unity of the Irish people? In the files of a League openly organized for resistance to law. And there also I think we shall find, in all its force, the fell spirit of ascendancy. Meanwhile, the authors

of a legislation, which has resulted in this wretched state of things, sit there unabashed on their Ministerial Benches, and apparently comfort themselves with the reflection that force is no remedy. But, my Lords, your remedies have had no force, and you are now, after all your abortive messages of peace, strengthening, to an extent unprecedented in time of peace, the military garrison of Ireland. My Lords, what confidence can we possibly repose in the capacity of physicians whose drugs we know to be compounded of the most nauseous and suspicious ingredients unused by the faculty, when we thus find that their diagnosis has been wrong from beginning to end, and that all their previous prescriptions have only aggravated by a series of inflammatory palliatives the disorder intrusted to their treatment? Really, in these circumstances, the cheerful confidence of Her Majesty's Ministers appears to me appalling. Another Bill or two of this kind will put an end to the present class of Irish landlords. When they are gone, what will be left in Ireland? A mass of peasant proprietors who for generations have been hating you intensely, and who will then regard England as a foreign country whose power and whose purposes they have already foiled, defeated, and humiliated. By what messages of peace, or what measures of coercion will you exercise any control over their passions or their proceedings? I cannot too strongly protest against the only principle which has consistently pervaded the course of Irish legislation since 1869. The present Prime Minister then told us that all Irish questions are to be regarded as grievances, growing, like so many branches, out of the trunk of a single poisonous tree.

"That tree," he said, "is Protestant ascendancy, and against Protestant ascendancy we are banded together to make war."

Is it too late to ask what you mean by the Protestant ascendancy you have resolved to destroy? Is it not an ascendancy derived from causes which give legitimate pre-eminence to any class of men in any community? Are not those the causes in which every enlightened Commonwealth rejoices to find sources of influence and power—superior property, superior probity, superior habits of intellectual discipline and social conduct, insuring greater immunity from

crime and a profounder reverence for law? My Lords, I had hitherto supposed it was the boast and pride of England to represent in Europe what our Protestant kinsmen represent in Ireland—the ascendancy of a Protestant few in the midst of a Roman Catholic many—an ascendancy derived from that energetic independence of character which it is the tendency of your present legislation to destroy. My Lords, you may call this Protestant ascendancy, and think you are giving it a bad name. But history identifies it with English ascendancy. You cannot destroy the one and preserve the other. And it is against this English ascendancy that you, an English Cabinet, are banded together to make war. My Lords, in such a war I, for one, will never enlist. I am convinced that the principle on which you wage it will prove fatal for Ireland, as it has already proved calamitous and humiliating for England. But behind and beyond this miserable policy I recognize disasters worse than civil war—worse even than separation. The power of England has survived, and may again survive, many an Irish rebellion. But let England once prove false to that traditional integrity of national character which refuses to bully or to bubble a man out of what is honestly and legally his own, and England will deservedly perish, under the scorn of a civilization whose paramount interest she has betrayed.

LORD STANLEY OF ALDERLEY said, that before being asked to vote for the Bill their Lordships ought to be told whether the Government would, for the future, discountenance the continuance of those outrages which Mr. Gladstone and Mr. Bright had directly encouraged.

EARL SPENCER: I regret to have to rise at so late a period of the evening, and if I trespass some short time upon your Lordships' attention, you will feel, I am sure, that I do so only on account of the vast importance of the question before us. I do not propose to follow the noble Earl who has just addressed us into the variety of subjects upon which he has touched. I will not say anything about ascendancy in Ireland, the restoration of the Protestant Church there, or the confiscations of past times. All those subjects have left their mark in Ireland. They have left, I am afraid, a great deal of ill-feeling and soreness,

The Earl of Lytton

from which a great many of the difficulties with which we have now to deal spring. I should like to refer without further delay to the speech of the noble Marquess (the Marquess of Lansdowne). My noble Friend referred in rather a sneering way to the Purchase Clause in the Bill which is now before us, saying that it was intended to mark the dislike felt by the Government for large proprietors in Ireland. Now, I wish to say distinctly that Her Majesty's Government do not look with indifference upon this part of the Bill, or, to use the phrase of another noble Marquess, do they look upon it as merely ornamentation. They conceive that it is one of the most important means of restoring peace, quiet, and contentment to Ireland. If the Purchase Clauses of the Land Act of 1870 can be carried out in a more perfect and general manner, and if we can turn a large number of occupiers of land into proprietors, we shall be much more likely to gain recruits in the cause of law and order than by pouring into Ireland countless soldiery and constabulary. It was in the Act of 1870 that the principle contained in the Purchase Clause of this Bill was first introduced; but the clauses in that Act were not efficacious. But Her Majesty's Government hope to improve very much the working of this clause. One of the defects of the Act of 1870 was that there was no especial provision for a body of men to carry out this important work. In the Bill now before your Lordships the Land Commission are especially directed to carry out this measure. It was found in practice that the purchase of their holdings by tenants was exceedingly difficult, because it was conducted in the Landed Estates Court, and also for this reason—that it constantly happened that part of the tenants were able to pay and another part unable, so that the estate was left in a disjointed state. But the Commission will be empowered to buy estates themselves, provided a sufficient number of tenants can be found ready to purchase. The noble Marquess opposite (the Marquess of Salisbury) said, with regard to this part of the Bill, that the Government did not lay great stress on it. Certainly the measure has not been in any way diminished since it was introduced into the other House with respect to those clauses. We have had to-night reference to the different systems of management of estates in England

and Ireland respectively. I will dwell for a very few minutes on that part of the subject, because these differences are, to a great extent, the cause of the difficulties which have led to the necessity of dealing with the Land Question in Ireland. I do not mean to cast any blame upon the landlords of Ireland. The difference arises from the very necessity of the case. In England we have a system of large farms, where the owner finds almost all the capital necessary to work the farm. In Ireland we have a system of small farms, where it would be perfectly impossible for the landlord to do this work. Why, in Ireland there are 274,000 tenants holding under 15 acres. In Galway, Kerry, and the adjoining counties 113,000 out of 139,000 holdings are under £10 valuation. How would it be possible for the landlords dealing with these small holdings to find all the capital necessary for the equipment of these farms? My noble Friend the noble Duke behind me (the Duke of Argyll), in a short debate which took place a few nights ago on cottier tenants, quoted the case of an estate where there were nearly 4,000 tenants paying £4 rent and under. Well, my Lords, how would it be possible for the landlord to make the permanent improvement on holdings? In the case quoted by my noble Friend the landlord would be ruined if he attempted such a thing without charging interest on his outlay, and the tenant would be totally unable to pay such a large addition to his rental. The fact is, that rent represents different things in the two countries. Speaking roughly, in England it represents the value of the land and the interest of the landlord's capital spent on the land. In Ireland it only represents the letting value of the land. My noble Friend opposite speaks of the landlords' improvements as being considerable. But I can quote a very high authority—that of Mr. Kavanagh—to support what I am now saying. But I will more particularly refer to the Report of an influential body of men in Dublin—the Landlords' Committee—who have circulated a statement on this subject. What do we find in the Report of this Committee? They made a survey over a great part of Ireland—over more than half that country; but that half may be taken as typical of the whole. From that Report we find that during 40 years the landlords have spent, on

an average, 6½d. per acre per annum in improvements. In some cases—about one-seventh of the whole—the whole of the improvements have been effected by the landlord; in others by the tenant alone; and in the rest, partly by the landlord and partly by the tenant. I may say that the rent per acre of this large territory is about 11s. 4d., so that the average cost of the landlord's improvements is about 4½ per cent on the rental; whereas in England, on well-managed estates, the annual expenditure of the landlord on improvements varies from 10 to 25 per cent on the annual rental. It may be true that the Irish tenants have not improved their holdings as much as they might have done; but what improvements have been made have been done, at least to a large extent, by the tenants. This constitutes and creates that intense love of his holding which is the peculiar characteristic of the Irish people. It also creates that confusion between the interests of the landlord and the tenant which very often leave matters in such a tangled skein that it is almost impossible to unravel it, and to separate the interests of the landlord from those of the tenant. This is one of the reasons why it is so necessary to deal with this subject of rent. There has arisen in Ireland a peculiar custom, to which frequent reference has been made. I refer to the Ulster tenant right. Now, my Lords, I need not dwell upon all the principles of that custom, such as the power of the landlord to raise the rent, the veto which he has upon the incoming tenant, or the security of the tenant provided that he pays his rent. These highly important matters will, no doubt, be discussed in Committee. They are more or less incidents common to English tenancies; but I wish to notice an incident which specially marks the Ulster Custom—namely, the right of the tenant to sell the goodwill of his holding. Now, as far as this part of the custom goes, when exercised for the purpose of compensation for improvements made by the tenant himself, I can conceive that there can be no objection whatever to it; but when the price given goes beyond the improvements, I admit that in theory I have always seen great objection and faults in the system. The price of the tenant right beyond actual just compensation for work done and money expended seems to be money unnecessarily

laid out by the tenant and money which would be useful to him for improvements or other investments. So far, my Lords, in theory I agree with those who are against the Ulster Custom; but I am bound to say that in practice the custom has worked well and is agreeable to Irish ideas. The origin of the custom is matter of dispute: but, in my opinion, it is probable that it arose in consequence of the difficulties there were in settling about the improvements made by the tenant on the farm. The tenant made improvements, and this custom in the outset sprang up from an endeavour to compensate him. I am sure the noble Duke behind me would not object to that. In practice, the Ulster Custom has worked exceedingly well. Ulster is the only part of Ireland in which anything like prosperity prevails among the people. Although there have been more evictions in Ulster than elsewhere, it has been comparatively free from the agrarian crime which usually accompanies them in other parts of Ireland. This is evidence of the smooth working of tenant right in Ulster. Changes of tenancy take place, owing to the existence of tenant right, quietly and without the violence which accompanies such changes elsewhere. Last year the proportion of crimes to convictions was two to one in Ulster, and out of Ulster, three to one. The changes the Bill introduces are founded on strict analogy to the Ulster Custom, which will be reproduced more or less in other parts of the country. It is said that certain consequences will follow; but do they exist in Ulster? Are the amenities of ownership fewer in Ulster than elsewhere? No evidence of that is to be found. The proportions of resident to non-resident proprietors are in Ulster as five to one, in Leinster three and a-half to one, in Munster three to one, and in Connaught four to one; so that in Ulster there are more resident proprietors than in other parts. These facts are worthy of our consideration, when we are told so much against the extension of tenant right to the rest of Ireland. We have heard a good deal about the confiscation of the landlord's property. It has been said that rent will be diminished, and the landlord deprived of what he ought to receive. But in Ulster, notwithstanding tenant right, the price of land has been higher than in any other parts of the

country. This is proved by the evidence of Mr. Stewart Trench, before the Lords' Committee in 1867. He says—

"I think the land in the North of Ireland with which I am acquainted is let higher in proportion to its intrinsic value, notwithstanding the tenant right which exists there, than the land in other counties which I have to deal with."

Mr. Filgate, also Lord Downshire's agent, states—

"If there was no tenant right upon the estate he would not place a higher rent upon the farms. When putting a value upon the farm, the fact of the existence of tenant right would not induce him to impose a lower rent upon the land than he would impose supposing there was no tenant right."

This evidence showed that the Ulster tenant right has not lowered the value of estates in that part of the country. I could quote Returns as to the sales of property throughout Ireland since 1870 to prove this. These Returns show that the prices of land sold in the Landed Estates Court during three years ending October 31, 1874, were higher in Ulster than in any other part of Ireland. I am quite aware that there may be considerable difference of opinion as to whether the Ulster tenant right custom is the outcome of the prosperity of Ulster, or the prosperity of Ulster the outcome of the Ulster tenant right. I will not give any dogmatic opinion on the subject; but I am justified in saying that there is no evidence that the landlords are driven away, that crime is greater, or land less valuable where the Ulster tenant right has existed for so many years past. Therefore, I think that all the fears with regard to this Ulster Custom in practice are not well founded. The noble Marquess opposite used some very strong expressions to-night, and told us that the Bill was the result of fear. But the noble Marquess himself answered that accusation against Her Majesty's Government, for he immediately afterwards admitted that he thought there was reason for legislation, as it had been always expected. I would like to quote an opinion which the opposite Benches will treat with considerable respect, the opinion of Master Fitzgibbon, who took the greatest interest in the Land Question, was connected through his official position with many large estates, and wrote several works

on the subject. He said this—the corroding social disease of Ireland from which all others radicate is the mutual distrust of landlords and tenants. I am really afraid that this distrust is at the bottom of the necessity for all the legislation that has taken place at various times. We find it dwelt upon by the Devon Commission. I need not quote again what has been already quoted to-night, the passage where the Devon Commission points out the grave position of affairs in Ireland, owing to the great distrust which existed between landlord and tenant. That cannot be illustrated more forcibly than was done by the noble Duke (the Duke of Argyll) the other night, when he referred to the conflicting evidence given before the Bessborough Commission. There we have landlord and tenant directly contradicting each other. Is not that a sign how much this mutual distrust exists in Ireland? Then we have the evidence of the unhappy agitation that has been going on for the last year or so. Would any of your Lordships believe that the Land League could exercise its baneful influence if there had been no sympathy among the tenants and no want of confidence in the landlords? I think it is childish to suppose that such an agitation could be carried on successfully without some grave cause of discontent. We have heard repeatedly of the various Acts to remedy this discontent; we had the Act of 1860, and the more recent legislation in 1870, which last attempt, as most persons admit, has conferred great benefits on the Irish tenantry. It legalized the Ulster tenant right, it checked capricious evictions, and gave the tenants compensation in certain cases; but its principles were not carried out to their logical conclusions. There was the famous clause by which the tenant obtained compensation whenever he was evicted, except for non-payment of rent; and what happened? It was not foreseen or intended, but a *quasi*-proprietary right was given to the tenant by that Act. The tenant, however, found that he lost all the benefits of the Act when the season was so bad that by no fault of his own he was unable to pay his rent, and he naturally thought himself hardly treated. It has been said that there are always quoted the cases of about half-a-dozen apocryphal landlords who unjustly raised their rent; but I think the Reports prove

that the unjust raising of rent is much more common. The Bill itself has been described so often to-night that I need not dwell upon its provisions at any length. In some quarters too much stress has been laid on the power of the Court; but it should be remembered that application to the Court can only be made in the case of present tenancies, and that in many instances the tenants on well-managed estates will not wish to go to the Court. As for the right of free sale, which is taken from the Ulster Custom, it is in conformity with the wishes and habits of the Irish people, and is, in fact, the only mode in which they understand a payment for the improvements they have made in their holdings. The Court about to be established will be a court of conciliation between the tenant and the landlord. It is for the purpose of bringing about a peaceful and satisfactory solution of the question that we have for a time to resort to this exceptional mode of proceeding. I need not dwell at any length on other portions of the Bill. Some noble Lords have spoken as if the Emigration Clause was a mere farce, and not intended to have any effect. I believe the clause, which is a voluntary clause, may be of vast importance in relieving the overpopulated and poverty-stricken parts of the country. The tenant's right of selling his interest will also contribute to the same result. From Ulster, where the right already exists, there is often more emigration than from elsewhere. With regard to the clause relating to waste lands, I cannot say that I look very hopefully upon its provisions, for I believe that capital will always flow to the channel in which it is wanted; and if there had been any possibility of reclaiming waste land in Ireland to any large extent, I believe some of the surplus capital of this country would already have found an outlet in that direction. Others, however, held different views, and, consequently, we have introduced into the Bill a clause facilitating loans to public bodies for purposes of reclamation. Before I conclude I wish to say one word on a point about which we have heard a great deal. It is constantly said that compensation ought to be given to the landlords. But the Government deny that there will be any confiscation of the landlords' property, and therefore they cannot assent to the

principle of compensation. When we are told of the serious responsibilities which we have undertaken in introducing this measure, it would sometimes seem as if noble Lords had forgotten the condition in which various parts of Ireland are. I will only call your Lordships' attention to one very painful sign of the sad state of that country. I allude to the sympathy that is shown with lawlessness and the prevailing antipathy to law. In many parts of the country the people have a law of their own, which they prefer to the law of the country. What is the result? That odium justly due to crime is thus perverted into sympathy with the criminal, and duty to society is overborne by what is considered as a sacred obligation to screen a fellow-sufferer from a law which they neither value nor respect. I have shown that there is need for a reform of the landlord. There is, therefore, some justice in the views of these farmers. If these views are not just, no Government ought to give way to them. If they are, I think we ought to do our utmost to reconcile the people of Ireland to the laws and excite their sympathy instead of their antipathy. My Lords, this Bill is exceptional in its character, but it is not more exceptional than the condition of Ireland. The measure is a strong one; if it were weaker it would have no effect in Ireland. It is necessary to reconcile landlord and tenant in Ireland; it is necessary to create a permanent, sound, and cordial good will between the Irish and the English nations; it is necessary if we are to maintain the Union between the two countries by peaceable means, and not by armed force. I sincerely trust that your Lordships will not only give a second reading to the Bill, but send it to the other House of Parliament without any material alteration.

Moved, "That the Debate be now adjourned."—(*The Duke of Argyll*.)

Motion agreed to.

Debate further adjourned till To-morrow.

SHOP HOURS REGULATION BILL [H.L.]

A Bill to regulate the hours of labour in shops and warehouses—Was presented by The Earl STANHOPE; read 1st. (No. 191.)

House adjourned at half past One o'clock, till To-morrow, half past Ten o'clock.

Earl Spencer

HOUSE OF COMMONS,

Monday, 1st August, 1881.

MINUTES.]—SUPPLY—considered in Committee—Resolutions [July 29] reported.

PUBLIC BILLS—Resolutions in Committee—Savings Banks and Post Office Savings Banks, and Securities in Chancery Division; East Indian Loans, Annuities, &c. *

Ordered—First Reading—Irish Church Act Amendment * [235].

First Reading—Universities (Scotland) Registration of Parliamentary Voters, &c. * [232]; British Honduras (Court of Appeal) * [233]; Pedlars (Certificates) * [234].

Select Committee—Report—Conveyancing and Law of Property [No. 96].

Committee—Report—Regulation of the Forces [193]; Wild Birds Protection Act (1880) Amendment [226]; Superannuation (Post Office and Works) * [228].

Considered as amended—Third Reading—Summary Procedure (Scotland) Amendment * [216], and passed.

Third Reading—Public Works Loans * [211], and passed.

Withdrawn—Augmentation of Benefices Act Amendment * [68]; Educational Endowments (Scotland) * [65]; Rivers Conservancy and Floods Prevention (*re-comm.*) * [120]; Entailed Estates Conversion (Scotland) * [203]; Imprisonment for Debt Abolition * [170]; Boiler Explosions * [39].

QUESTIONS.

LAW AND POLICE—FLOWER SELLERS IN ISLINGTON.

MR. CARINGTON asked the Secretary of State for the Home Department, Whether his attention has been called to the case of two poor women who were charged by the police at Islington Police Court on the 20th of July 1881 and fined sixpence and four shillings costs for causing an obstruction by selling flowers in High Street, Islington; whether it is true that women have been in the habit of selling flowers at that same spot for the last twenty-five years, and that the women did not occupy any part of the pavement, but only stood in the gutter; whether he will inform the House why, if any obstruction really exists, the tradesmen of that locality whose goods are displayed on the pavement, thereby causing a great obstruction to foot passengers and also temptation to theft, were not summoned also; and, whether he will issue orders to the police not to

interfere with these poor women in the future and thereby prevent them from earning an honest living, and, in the case of one of them, from supporting her aged parent and her family?

Mrs WILLIAM HARCOURT, in reply, said, that since the hon. Member had given Notice of the Question he had had an opportunity of inquiring into it, and he found that summonses were issued as stated in the Question; but that it was on the application of the shopkeepers in the neighbourhood, which, in the particular spot mentioned, was very crowded, and it was complained that the baskets that were put there interfered with the narrow footway. There had been proposals made to the women who sold flowers there to take a station at a spot not very far distant. That, however, they did not seem disposed to adopt; other summonses had consequently been issued. He had communicated with the police on the subject, and they, as well as himself, were averse to persons engaged in these harmless occupations being interfered with. The Chief Superintendent of Police had communicated with the President of the London Flower Brigade Mission, and it was hoped that, with the co-operation of the Mission, the flower girls would be induced to remove to new stations selected for them. In the meantime the summonses had been withdrawn.

ENDOWED SCHOOLS (IRELAND) LEGISLATION.

LORD RANDOLPH CHURCHILL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is his intention, during the coming Recess, to prepare a Bill dealing with the Endowed Schools of Ireland?

MR. W. E. FORSTER, in reply, said, that the Report of the Commissioners would be considered; but as he could not tell what would be the General Business or the Irish Business of next Session, he could not say at what time a Bill would be introduced.

INDIA — PROTESTANT MISSIONARIES IN CALCUTTA.

MR. DALRYMPLE asked the Secretary of State for India, Whether it is true that six Protestant missionaries have been or are about to be put upon their trial for open air preaching in Cal-

cutta; and, whether he and Lord Ripon approve the action of the Government of Bengal in endeavouring to suppress this form of work by Protestant missionaries which has hitherto been unmolested?

THE MARQUESS OF HARTINGTON, in reply, said, that no official information on the subject referred to had been received at the India Office; but on reference to the Indian newspapers he found that three Protestant missionaries had been prosecuted in the Magistrate's Court at Calcutta for disobeying an order of the Commissioner of Police prohibiting the holding of open air preaching in the enclosed squares of Calcutta, except by permission in writing. The magistrate, on July 3, decided that the Commissioner of Police was not legally empowered to make such an order, and that in doing so he had acted *ultra vires*. Other missionaries were summoned on a similar charge; but the cases against them had not been brought forward. Since the judgment of the magistrate was delivered, the Calcutta Missionary Conference had communicated with the Lieutenant Governor of Bengal, who had replied in a conciliatory spirit, proposing an amicable discussion of the subject with a view, if possible, of reconciling all conflicting interests and securing the maintenance of peace and order during preaching in the enclosed squares of Calcutta. Although he had received no official information, he had heard very fully in an unofficial manner from the Viceroy in reference to those proceedings. The action taken by the police and municipal authorities was in no way instigated by the Viceroy or the Indian Government. The Viceroy, in fact, knew nothing of the proceedings until he read an account of them in the newspapers, and he had done all in his power to promote a friendly settlement of the matter, which he hoped would now be arrived at.

ARMY—HEAVY RIFLED ORDNANCE—CASE OF MR. LYNALL THOMAS.

MR. LEAKE asked the Secretary of State for War, Whether he has read a Petition presented to the House by Mr. Lynall Thomas begging that his claims in connection with the invention and introduction into the services of large rifled guns may be referred to a Select Committee of the House; and, whether he will, in consideration of all the cir-

cumstances of the case, accede to an investigation, as prayed for by Mr. Thomas, and thereby terminate a litigation which appears to have impoverished that gentleman without securing for him the compensation awarded by a special jury in the suit of *Thomas v. the Queen* tried before the Chief Baron in February 1877, and amounting in full to £8,790 11s. 6d.?

MR. CHILDERS: Sir, I asked my hon. Friend to postpone until to-day this Question, which he originally put down at short Notice for the 25th of July, and I have thus been able to read carefully the shorthand-writer's notes of the trial before the late Lord Chief Baron in February, 1877, and the arguments and judgment of the Divisional Court of Queen's Bench in June, 1877. The facts are, shortly, these. Mr. Lynall Thomas claimed to have originated certain improvements in heavy ordnance, and he sought to have certain expenses, incurred in 1854 and subsequent years, re-imbursed to him, together with a payment for the value of his invention. After repeated refusals on the part of successive Secretaries of State, he commenced proceedings at law against the War Department, and in March, 1877, obtained a verdict for £6,500, a portion of the expenses which he stated he had incurred, and was entitled to recover, under a contract with the War Office. In June, 1877, the War Office applied to the Full Court to set aside the verdict on the ground that no such contract existed, and that the verdict was against the evidence, and the Full Court unanimously decided that no contract existed so as to entitle Mr. Thomas to prefer any claim against the Crown, and they let it to Mr. Thomas to appeal. He has not appealed, and the judgment is, therefore, final. My hon. Friend now asks me whether I will accede to an investigation of the subject by a Select Committee of the House of Commons. I regret that I cannot consent to this course. Mr. Thomas has, in my opinion, no claim, legal or equitable, on the Exchequer; and if, out of compassion for him, a Committee were appointed to review the decisions of the responsible Ministers of the Crown, commencing in 1860, and of the High Court of Justice four years ago, the House would be called upon by the shoals of speculative inventors who have made claims on the War Office and

Admiralty to extend the same compassion to them, and it would be difficult, if not impossible, to refuse them what was granted to Mr. Thomas.

WEIGHTS AND MEASURES ACT, 1878— THE DECIMAL SYSTEM.

MR. A. M. SULLIVAN asked the Secretary of State for the Home Department, If he is aware that, although many of the principal jewellers and silversmiths have complied with the provisions of "The Weights and Measures Act, 1878," whereby the adoption of a decimal system of weights, with the ounce troy and grain as bases, was made compulsory on jewellers and silversmiths, no effort has been made to enforce this provision generally; and, whether he will direct measures to be taken either to repeal the section, or compel its uniform observance?

MR. CHAMBERLAIN said, he had been requested by his right hon. Friend to reply to this Question. The adoption of the troy system of weights for certain articles was made permissive, not compulsory, by the 20th section of the Act referred to in the Question of the hon. and learned Member. He had no power to enforce the uniform adoption of the principle, nor did he think it desirable.

CORRUPT PRACTICES AT ELECTIONS— REPORTED MAGISTRATES.

MR. ANDERSON asked Mr. Attorney General, If all the justices of the peace whom the Lord Chancellor recently called upon to show cause why they should not be removed from the Bench in consequence of corrupt practices in connection with Parliamentary Elections, have now either resigned or been struck off the roll; and, if so, if he will lay upon the Table a complete list of them?

MR. T. COLLINS asked whether it was the intention to publish a list of these magistrates?

THE ATTORNEY GENERAL (Sir HENRY JAMES), in reply, said, it had been decided that 28 Justices of the Peace had been guilty of corrupt practices in connection with Parliamentary Elections, and one death reduced the number to 27. Of that number, 25 had been directed by the Lord Chancellor that their names should be removed from the Commission of the Peace, and of

these 14 had resigned. Several of the other cases, for good and sufficient reasons, were under the consideration of the Lord Chancellor. In answer to the Question whether he would lay on the Table a complete list of those Justices who had resigned or been struck off the rolls, he would say that complete lists of the names of those Justices had already been published in the districts in which they exercised jurisdiction, and it was known in those localities that they had received this practical censure from the Lord Chancellor; and, as there might be very different degrees in the breaches of the law which they had committed—many of them being of a purely technical character—he must say that he did not think it would be fair to lay on the Table a full list, inasmuch as to do so would be to presumably include in the same category all the offending Justices, without reference to the relative gravity of the offences which they had committed. He thought they had already received sufficient punishment without the additional disgrace of being thus placed together. If, however, the hon. Member wished to move for a Return of the names, he was in a position to do so, and then it would be for the House to take upon itself a responsibility which he (the Attorney General) did not see his way to assuming.

MR. HEALY wished to ask whether the hon. and learned Gentleman was aware that 200 persons were now incarcerated in Ireland without any trial, and that no distinction was made between John Dillon or any of the remainder?

MR. J. COWEN asked if all the prosecutions contemplated had been instituted, and if the Attorney General could state how many had resulted in a conviction?

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, that all the prosecutions had been proceeded with that it was intended to take, except two cases of poor persons at Sandwich, who were stated to have emigrated, or, at least, there seemed no way of making them amenable. He would not enter into a complicated account of what had taken place at Boston; but there had been one conviction, in two cases the jury had been discharged without a verdict, and in one instance no service of summons could be effected, and although a warrant had been issued, this had so far

been unsuccessful in arresting the party. There had been nine charges in connection with the Sandwich Election, and in all cases verdicts of guilty had been returned. In Macclesfield there were two, and verdicts of guilty in each case.

INDIA—(FINANCE, &c.)—ANNUITIES AND FURLOUGH PAY.

MR. O'DONNELL asked the Secretary of State for India, Whether it is the fact, as stated in the "Statesman" of 1st July, 1881, that, during the year 1878-9, more than three millions sterling were paid from the Revenues of India to persons not resident in India as annuities and furlough pay; and, whether the Government will take any steps to diminish this annual drain on the Indian taxpayers?

THE MARQUESS OF HARTINGTON, in reply, said, the sum mentioned in the Question of the hon. Member was accurate; but he must point out that, in the case of covenanted servants, a large portion of the pensions had been paid by the persons who received them in the shape of a percentage of 4 per cent upon their incomes during the whole period of their service. The whole question of these charges had been referred to a Committee of Council for investigation and report, and it was found that it was not possible materially to reduce "this annual drain" on the Revenues of India. The only way in which this charge could be hereafter reduced would be the further employment in important positions of Natives of India. Several suggestions on that subject had been made from time to time by the Home Government to the Government of India; and no opportunity would be lost of impressing the importance of this upon them.

MR. O'DONNELL asked whether any appreciable progress had been made in the direction of employing Natives of India in important positions?

THE MARQUESS OF HARTINGTON said, that undoubtedly progress was being made in that direction.

INDIA—OUTBREAK OF PRISONERS.

MR. O'DONNELL asked the Secretary of State for India, Whether it is a fact that an outbreak has occurred in the gaol of Gulburga, in which a large number of native prisoners and Sepoys

have been killed and wounded; and, whether he can state the exact number of casualties, and what steps are being taken to ascertain the causes of the outbreak?

THE MARQUESS OF HARTINGTON, in reply, said, that Gulburga Gaol was in the Native State of Hyderabad, and belonged to the Nizam, and that no official Report had been received on the subject.

EGYPT—THE JUDICIAL SYSTEM.

MR. BOURKE asked the Under Secretary of State for Foreign Affairs, What measures have been proposed by the Government of France for improving the judicial system in Egypt; and, whether these proposals have been made in concert with England and the other Powers now represented upon the judicial tribunals in Egypt?

SIR CHARLES W. DILKE: No, Sir; no such measures have as yet been proposed; but Her Majesty's Government, in concert with the Government of France, are engaged at the present time in examining the result of the labours of the International Commission with a view to offer any observations that they may have to submit thereupon before the re-assembling of the Commission in November.

AFGHANISTAN—BRITISH ASSISTANCE TO THE AMEER OF CABUL.

SIR HENRY TYLER asked the Secretary of State for India, To be good enough to state to the House in general terms the total amount of assistance—in money, guns, military stores, or otherwise,—that has been afforded, out of British and Indian resources, up to the present time, to Abdurrahman, Ameer of Cabul; and, whether it is intended, now that his army has been so completely defeated in the neighbourhood of Candahar, to afford the Ameer any further assistance of the same description, or to employ Anglo-Indian forces in Afghanistan?

THE MARQUESS OF HARTINGTON, in reply, said, he had no objection to repeat the information which he gave to the House on the 27th of June. The money given to the Ameer was 39½ lakhs of rupees, which included 9½ lakhs found in the Treasury at Cabul in October, 1879. A further sum of 50,000

rupees a month was paid to the Ameer as Governor of Candahar for six months after the evacuation. In addition to this, war materials had on various occasions been given to the Ameer—first, four 18-pounder smooth-bore guns, two 8-inch howitzers, 12 9-pounder breech-loading field guns, and 22 mountain guns, all of Afghan manufacture, and forming part of the war material taken from the Afghans at Cabul. They were given to Abdurrahman on our evacuation of Cabul. We also gave him, in March, 1881, 100 cartridges per gun for 9,182 muskets and rifles already in the Ameer's possession, and 3,000 Enfield rifles, and three smooth-bore batteries of 18 guns, were given to the representatives of the Ameer on the evacuation of Candahar by the British troops in April last. As far as the last part of the Question was concerned, he had no reason to believe that the Government of India had any intention to afford to the Ameer any further assistance of the same description, nor had he any reason to suppose that there was any intention—at all events, no proposition had been made by the Government of India to the Home Government—to employ an Anglo-Indian force in Afghanistan.

CHANNEL ISLANDS—THE ISLAND OF GUERNSEY AND THE BURIAL ACT.

MR. RICHARD asked the Secretary of State for the Home Department, What steps have been taken to bring the Burial Act of 1880 into operation in the Island of Guernsey; and, when it is likely the inhabitants will have the benefit of the measure, of which they have been deprived for nearly twelve months, by the refusal of the local authorities to obey the Order in Council requiring them to register the Act?

SIR WILLIAM HARCOURT, in reply, said, he was sure the hon. Member would feel that the peculiar constitution of the Channel Islands, and their loyal inhabitants, was one which required to be treated with great consideration, and he hoped in Guernsey to overcome the difficulties which had arisen in regard to this measure as they had been overcome in Jersey, by the good feeling of all parties concerned.

THE HISTORICAL MSS. COMMISSION.

SIR R. ASSHETON CROSS asked the Secretary to the Treasury, What

progress is being made by the Historical MSS. Commission; why there was no Report last year; and, when the next Report will be presented?

LORD FREDERICK CAVENDISH: Sir, since the issuing of the first Commission in 1869, about 500 collections of manuscripts of historical interest have been examined and reported upon by the Commissioners. Accounts of the contents of most of these collections have been published in seven Reports. An eighth Report is now in type, and will, I am told, be presented before the end of the Session. It will contain more, and more varied, historical information than any of its predecessors; also an alphabetical list of all the collections examined since the issuing of the Commission. No Report was issued last year, because the terms of the Commission do not require one to be issued annually.

INDIA—CHARGES AGAINST HYAT KHAN.

MR. O'DONNELL asked the Secretary of State for India, Whether it is true that Hyat Khan, a member of the Indian Civil Service, is about to be tried on charges of selling his protection to natives of Afghanistan during the occupation of Kabul by General Roberts; whether there has been already a private investigation into the charges against Hyat Khan; whether the trial will be public; and, what steps, if any, the Indian Government have taken to obtain evidence in connection with the case?

THE MARQUESS OF HARTINGTON: Sir, the Government have already instituted a confidential inquiry into certain charges of extortion and corruption which have been brought against Hyat Khan, who was in our political employment at Cabul, and they have now decided that the whole matter shall be subjected to a formal and public investigation, which will be conducted by Mr. Smith, Judge of the Chief Court of the Punjab. We have no information as to the steps likely to be taken to secure the presence of witnesses from Cabul. It is not a matter with which the Home Government of India could properly interfere.

MR. O'DONNELL asked whether it was true that the charges of corruption and extortion against Hyat Khan were founded on the fact that he had sold his protection as Political Agent to the

Natives while Cabul was in a state of siege?

THE MARQUESS OF HARTINGTON: The charges of corruption and extortion brought against Hyat Khan were various in their character, and I cannot say, without reference to Papers, whether they include the exact point mentioned by the hon. Member. They were, however, no doubt, of a very serious character. No doubt, it is of great importance that witnesses should be brought from Cabul; but as the Indian Government have determined to have a public inquiry into the matter, I have no doubt that they will take the necessary steps to secure that the inquiry shall be full and satisfactory. It would be obviously improper for me to say anything further on the matter at the present moment.

POST-OFFICE PILLAR BOXES.

MR. ARTHUR O'CONNOR asked the Postmaster General, Whether the regulations as to posting newspapers are different for town and for suburban pillar-boxes; and, if so, whether he will cause the necessary information as to the facilities afforded to be printed on the latter?

MR. FAWCETT, in reply, said, that the restrictions upon posting newspapers in town pillar-boxes had been imposed to prevent the boxes being blocked with newspapers and book parcels. An intimation, however, that newspapers could be posted had been placed on some suburban pillar-boxes, but not on others; but he would inquire whether any harm would result from an extension of that practice.

ARMY ORGANIZATION—THE 79TH REGIMENT.

SIR PATRICK O'BRIEN asked the Secretary of State for War, Is it in contemplation to add the 79th Queen's Own Cameron Highlanders to the Scots Guards as a third battalion?

MR. CHILDERS: No, Sir, it is not.

ARMY ORGANIZATION—THE NEW ROYAL WARRANT—ARTICLES 106, 107.

MAJOR-GENERAL FEILDEN asked the Secretary of State for War, Whether general officers retired under Article 107 (of New Warrant) for non-employ-

ment, should not, equally with those retired under Article 106 for age, be eligible for the appointment of Honorary Colonelcies of Regiments?

MR. CHILDERS: Yes, Sir; this will be made quite clear in the corrigenda warrant.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—PRISONERS UNDER THE ACT.

MR. SEXTON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether persons now imprisoned on suspicion in Ireland under warrants of the Lord Lieutenant will be allowed to be present, either personally or by counsel, at the investigations into the causes of imprisonment which the Lord Lieutenant is directed by the statute to hold, in every case, at the end of three months from the arrest; and, whether, if the persons imprisoned are not allowed to appear, either personally or by counsel, what guarantee, if any, will be afforded that these investigations will be adequate to the occasion, and not mere official formalities?

MR. W. E. FORSTER, in reply, said, that he believed that Mr. Boyton, one of the prisoners in Kilmainham Gaol, was in a bad state of health, and that he had ordered a careful inquiry to be made, especially with regard to his eyesight. He could not undertake that the prisoners or their counsel should be present while their cases were being reconsidered. The hon. Member would remember that this question was discussed by the House while the Act was passing, and that it had been decided by a large majority not to allow such a privilege. The cases would all be carefully considered, but to do more would be contrary to the spirit of the Act.

BRITISH COMMERCIAL TREATY ENGAGEMENTS.

MR. JACKSON asked the First Lord of the Treasury, If there are any Commercial Treaty engagements with this Country which are not terminable on twelve months' notice; and, if so, if he will specify them?

SIR CHARLES W. DILKE: Sir, the only Commercial Treaties concluded by this country which are not terminable on 12 months' notice are those with Salvador, Roumania, and Servia, the

first of which terminates in 1883 and the two latter in 1890. The Treaties concluded by this country with Turkey and Tunis may be revised in 1882. The Tariff and Commercial Articles of the Treaty of Peace with China can be revised in 1888. These Treaties limit us to no engagements as to Tariffs, but only to give most-favoured nation treatment. By the Treaty, however, with Germany, which is terminable on 12 months' notice, we are bound to place no duty upon the exportation of coal.

HIGH COURT OF JUSTICE (SCOTLAND) —THE COURT OF SESSION.

MR. DALRYMPLE asked the First Lord of the Treasury, Whether his attention has been called to the extreme inconvenience caused by a vacancy in the Court of Session remaining unfilled, and to the strong feeling prevalent in Scotland on the subject; and, whether he will take into consideration the reasonableness of putting an end to uncertainty and delay by appointing to the vacant Judgeship before the meeting of the Court in October?

MR. GLADSTONE: Sir, with regard to the vacant Scotch Judgeship, the case stands thus. It is the opinion of Her Majesty's Government that the Judicial Bench in Scotland is over-manned, and that the number of Judges would very beneficially admit of being reduced by two. For the purpose of giving effect to this view, the Government introduced a Bill into the other House of Parliament; but difficulties have been experienced there, and, in consequence, this advantageous change cannot at present be accomplished. Under these circumstances, we have reluctantly been obliged to ask ourselves whether it was consistent with the provisions of the present law to keep the existing vacancy open until another year arrives. But our opinion is that that would be a straining of the law, and although we are very sorry to have to make this appointment, yet upon the whole we think it our duty to do so. Consequently, an appointment will be made.

AFGHANISTAN (MILITARY OPERATIONS).

MR. O'DONNELL asked the First Lord of the Treasury, Whether his attention has been drawn to a proclamation

Major-General Fielden

of General Roberts, dated 13th October, 1879, promising a reward of fifty rupees for every Afghan soldier who had fought against the British troops since the 3rd of the previous month; a reward of seventy-five rupees for every Afghan captain or subaltern officer; and a reward of one hundred and twenty rupees for every Afghan field officer; if he can state what was the total amount distributed in rewards for these purposes; and, whether such amount was charged to the British or to the Indian contribution to the expenses of the Afghan War?

THE MARQUESS OF HARTINGTON: The attention of the Government has been called to the proclamation referred to in the hon. Member's Question. It was contained in a Blue Book (No. 1) on Afghanistan, published in 1880. In consequence, however, of the change in the aspect of affairs at Cabul within some days of the issue of that proclamation, it was practically never acted upon in the sense of the Question of the hon. Member. I have the personal authority of Sir Frederick Roberts to say that no payments were ever made under that proclamation.

VALUATION (IRELAND)—TOWN PARKS.

MR. HEALY asked the First Lord of the Treasury, If he can state what shape the inquiry into the question of town parks in Ireland, promised during the Recess, will take?

MR. GLADSTONE, in reply, said, he was not certain whether it could be called an inquiry, but the Government had the subject under their consideration, and he believed that by the ordinary means they had at their disposal they would have abundant means of getting at a knowledge of the facts. At the same time, they did not wish to discourage any hon. Member from asking for information on the subject in any form he desired.

MR. HEALY asked whether the right hon. Gentleman would have any objection to include in the promised Return on this subject the amount of the valuation and rental of town park holdings?

MR. W. E. FORSTER said, he was glad of the opportunity of suggesting that if hon. Members would either draw up a form of return, or would state distinctly the exact particulars of the information they required, he would see whe-

ther he could supply it. At present, however, he was waiting for particulars himself.

SOUTH AFRICA—THE TRANSVAAL—(NEGOTIATIONS)—THE CONVENTION WITH THE BOERS.

SIR STAFFORD NORTHCOTE: I should like to ask the right hon. Gentleman the Prime Minister whether Her Majesty's Government have received any information with reference to the signing of the Convention with the Boers; and, if so, whether he is in a position to give the House any information on the subject?

MR. GLADSTONE: No information in reference to the subject has reached me; and, therefore, I presume that none can have arrived.

SOUTH AFRICA—CETUYWAYO.

MR. W. FOWLER asked the Financial Secretary to the Treasury, Whether the expenses arising from the imprisonment of Cetewayo, ex-King of the Zulus, are defrayed by the English Government; and, if so, from what fund, as no such item appears to be mentioned in the Estimates?

LORD FREDERICK CAVENDISH: Sir, the cost of maintaining Cetuywayo will be provided for by a Supplementary Estimate to be presented this Session. It could not conveniently have been included in the Original Estimates, because, at the time of their preparation, several points connected with it were still uncertain.

PARLIAMENT—PUBLIC BUSINESS—EDUCATIONAL ENDOWMENTS (SCOTLAND) BILL.

MR. ARTHUR O'CONNOR asked what course was intended to be pursued with the Educational Endowments Bill, seeing that the Act of 1868 expired yesterday; and as the matter was very urgent, and there were nine Notices of Motion on the Paper, whether the Prime Minister did not consider it advisable to take the second reading of the Bill to-night before half-past twelve o'clock?

MR. GLADSTONE: Sir, this Bill is in a peculiar position, inasmuch as present appearances are certainly those of considerable difference of opinion and opposition in regard to it. We are very reluctant, indeed my hon. and learned Friend the Lord Advocate is exceedingly

reluctant, to drop the Bill if he thinks he has a reasonable chance of persevering with it. He thinks it a valuable measure, and is very anxious that it should be passed, and we cannot as yet quite form an opinion whether, this Bill relating exclusively to Scotland, the discussion could be confined within such limits as to enable him to persevere with it. Certainly they must reserve it for consideration.

AFGHANISTAN (MILITARY OPERATIONS).

SIR WALTER B. BARTELOT asked the noble Lord the Secretary of State for India, with reference to his former statement, Whether the British garrison at Chaman has been strengthened, or whether the troops have been retired from that post, leaving the Khojak Pass unprotected, or whether they have been retired from the Pishin Valley, and are concentrated at Quettah?

THE MARQUESS OF HARTINGTON: Sir, I did not make any particular statement on the subject, not having received information from the Government of India. I have no information as to what movements have been made by the force under the command of General Hume, and do not know whether Chaman is occupied or whether it has been strengthened. I infer, however, from the telegrams that a British force is still at Chaman.

AFFAIRS OF EGYPT.

THE EARL OF BECTIVE asked the Under Secretary for Foreign Affairs, Whether it is true that the Khedive of Egypt, in view of a contemplated revolt of troops at Cairo, has asked for the protection of a joint army of French and British troops, or protection either from the French or the British Government; and, if so, whether he will communicate to the House the reply of the British Government, with any correspondence that may have passed on the subject between the British and the French Governments.

SIR CHARLES W. DILKE: Sir, it is not the case that the Khedive has made any communication of the kind to Her Majesty's Government, nor, so far as we are aware, to the French Government. The Government have no information whatever to that effect. The

last portion of the Question, therefore, falls to the ground. There has been no correspondence on the subject at all.

THE EARL OF BECTIVE asked, Whether Earl Granville has received any answer from Lord Lyons relative to the remonstrance he made to the French Government in a recent letter with respect to the inconvenience which might arise from the protection of Tunisian subjects in Egypt by France?

SIR CHARLES W. DILKE: Sir, no answer has been received up to the present time, but the matter has not been lost sight of. We understand that all those persons at present are being treated as Turkish subjects.

WAYS AND MEANS — TERMINABLE ANNUITIES—LEGISLATION.

MR. ANDERSON asked the Prime Minister, Whether he intended to introduce a Bill this Session to carry out the views of the Treasury on the subject of terminable annuities?

MR. GLADSTONE: Sir, the explanatory Minute has been laid on the Table, and we hope to take the Resolution to-night.

MR. ANDERSON gave Notice that, when the Bill was introduced, considering the extreme impropriety of bringing in a Bill on the subject at a late period of the Session, he would move a Resolution to the effect that, however expedient it might be to convert £2,000,000 of Terminable Annuities, it would be more for the benefit of the people and for the prosperity of this country and of India to devote the surplus in reducing the duty on tea and coffee.

ARMY RECRUITING—THE 53RD REGIMENT.

SIR WALTER B. BARTELOT asked the Secretary of State for War, Whether he had seen the following statement in *The Times* of to-day:—

"The 53rd Regiment, stationed at Chatham, has been ordered to be brought up to its full strength. It is one of the first regiments to embark for foreign service. The regiment was about 400 below the strength, and to fill up the majority of the vacancies, a party of volunteers from the 1st Battalion 14th Regiment, at Portland, and another batch of about 190 from the 52nd, at Chatham, have joined the regiment;"

and whether that statement was not in opposition to the statement made by the

Mr. Gladstone

right hon. Gentleman in bringing forward the Army Estimates?

MR. CHILDERS said, that, not having seen the statement, he could not answer the Question off-hand; but he might explain that it was necessary to take the course referred to in the meantime in order to make up the strength of the First Army Corps, and that it was not inconsistent with what he had said as to the operation of the new system when it was once established.

MOTION.

PARLIAMENT—PUBLIC BUSINESS.

MINISTERIAL STATEMENT.

MR. ASHMEAD-BARTLETT asked whether the Prime Minister would give facilities for the discussion of a Motion for the imposition of retaliatory duties against certain countries having protective duties?

MR. GLADSTONE: Sir, I am unable to give a day for the discussion of the Motion of which the hon. Gentleman has given Notice. I beg now to move—

“That for the remainder of the Session Orders of the Day have precedence of Notices of Motions on Tuesday, Government Orders having priority, and that Government Orders have priority on Wednesday.”

The only argument that is necessary for this Resolution is the statement that it is now the 1st of August, and the House met on the 6th of January. I may justly be asked what course the Government intend to take with regard to measures still pending, and which have given rise to indications that they will involve considerable discussion. I am very sorry to see that the Rivers Conservancy Bill, which has been viewed by my right hon. Friend the President of the Local Government Board as a measure of importance and practical utility, is, nevertheless, a subject of controversy, and, considering the very late period of the Session, we are compelled reluctantly to abandon it. Then there is the Augmentation of Benefices Bill, with which we shall not be able to proceed. I do not know there is any other Bill, on which we are at present aware, on which there will be any general or prolonged discussion. With regard to the Notice just given by the hon. Member for Glasgow (Mr. Anderson), if I understand him right, he hints at this period of the Session it is

too late for the discussion of a measure which introduces any new principle; and yet he does not think it too late to decide that instead of reducing the debt we ought to apply the money to a reduction of the duty on tea and coffee. On the point, however, which he has raised, I must ascertain what is the general feeling of the House. Viewing the pledge given by the Government to use all its available means for putting forward Supply, we are desirous to redeem that pledge in the best manner possible. We have considered the best means of putting Supply forward with despatch, and, consequently, we do not propose that the House should have Morning Sitings.

Motion made, and Question proposed,

“That for the remainder of the Session Orders of the Day have precedence of Notices of Motion on Tuesday, Government Orders having priority; and that Government Orders have priority on Wednesday.”—(Mr. Gladstone.)

COLONEL ALEXANDER asked the Lord Advocate if he intended to proceed with the Entailed Estates Conversion (Scotland) Bill?

THE LORD ADVOCATE (Mr. J. M'LAREN) said, in reply, that there was no reasonable prospect of passing the measure, and, therefore, it would not be proceeded with.

MR. ANDERSON said, that in reference to the Motion just made, and the remarks of the Prime Minister on the question of Terminable Annuities, he would like to make one or two observations. The right hon. Gentleman said there was no new principle in bringing in a Bill of this kind. Perhaps not; but they were carrying out a very important principle, which the country knew nothing about, and which there was no opportunity of discussing in any way.

MR. SPEAKER said, the hon. Member must be aware that it was irregular on the present Motion to discuss a Bill not before the House.

MR. MONK said, he did not rise to say anything against the proposal of the Prime Minister, but wished to remind him that the first Order of the Day for Wednesday week was the adjourned debate on the Motion with regard to the half-past 12 o'clock Rule. That Motion had been adjourned in consequence of a misunderstanding between the two Front Benches, and he appealed to the right

hon. Gentleman to afford him facilities for taking the decision of the House on his Resolution.

MR. GLADSTONE said, that he would communicate with the hon. Member.

MR. J. COWEN said, he did not rise for the purpose of opposing the Resolution of the Prime Minister. He knew that every Member of the House would welcome the termination of a prolonged, harassing, and wearisome Session. What he was desirous of doing was to briefly call attention to the state of Business. The House usually sat 26 weeks in a year; but it had already been in Session now for 30 weeks. The Votes in Supply numbered 193. Of these 53 had been taken, and 140 had still to be got. What he wished hon. Members to realize was that in 30 weeks they had disposed of 50 Votes, and in the next few days they would be compelled to hurry through the remainder—the 140. Under any circumstances, and at any time, the Business of Supply was conducted in a very fluctuating, uncertain, and irregular manner. But it was absolutely beyond the power of Members to apply themselves with business-like assiduity to the granting of all the money at such a late period of the year, and under such circumstances as those in which they were now placed. For all practical purposes, the Government were about to get the major portion of the Revenue of the country without criticism or control. He had referred to the Records of the House, and, as far as he could make out, there was not a Session for the last quarter of a century or more where Supply had been so hopelessly in arrear. There was only one occasion when the condition approximated to what it was now, and that was in 1870. He knew hon. Gentlemen excused the authorities by saying that the present Session was exceptional. ["Hear, hear!"] He was pleased to gather from their applause that hon. Gentlemen on both side of the House, and belonging to all Parties, agreed with his statement. There was no doubt that the Session was exceptional—one of the most exceptional in the history of Parliament. But, unfortunately, as far as the voting of Supply was concerned, every Session was exceptional. All the arrangements made by Ministers, whether Liberal or Conservative, were to curtail the powers which the Representatives of the people

had in controlling the National Expenditure. The duties they were charged to perform were two-fold. First, they had to make the laws of the country; second, they had to assist in the administration of its affairs, and transact the general Business of the State. In his judgment the latter duty was the more important. It was always urgent, and it should have primary consideration. At the commencement of every Session the Ministers should submit a statement of the money they required. Parliament should apply itself to inquiring into the amounts thus named; and, having given the necessary consideration, should vote them. The time left after the business-like discharge of this function should go to making new laws or amending old ones. This was the old theory of the Constitution, and it was the soundest and the best. But they reversed that plan. They commenced the Session by making laws, and when they terminated the Session they were still busy with the same process. Just before the close—a few days prior to the Prorogation—the Estimates, containing hundreds, or rather thousands, of items, were thrown upon the Table, and they were compelled to vote them, practically without debate. Again and again this unsatisfactory state of things had been alluded to, but there was never so gross a case as the present. He hoped that the Government next Session would endeavour to mend matters by submitting the Estimates as soon as the House met, and, notwithstanding previous refusals, agree to appoint a Committee which should have the power of calling before it the Heads of the different Departments. With such a Committee, and with such information, the work of Supply might be greatly lightened. The Report submitted by the Committee would obviate the necessity for a good deal of the detailed conversation they had in that House, and altogether it would further the Business of the country. It was not his desire to object to the Resolution of the Prime Minister, or to prolong the discussion; but he was anxious to avail himself of the opportunity to point out in what way and to what extent the first function of Parliament was year after year set aside, if not altogether overridden.

SIR STAFFORD NORTHCOTE said, he thought the hon. Member for

Newcastle (Mr. J. Cowen) had done good service in calling attention to the condition of the Votes in Supply. He rose, however, to ask whether they were to understand from the statement of the Prime Minister that the Government now intended to proceed with Supply *de die in diem*, and in preference to any legislative measures? He thought they were right in taking Afternoon instead of Morning Sittings. There were six principal classes of Votes in the Civil Service Estimates which they had not yet touched at all. They might also fairly now expect to receive from the Government some intimation as to the time at which they anticipated they would be in a position to close the Session. It was usual, when demands like the present were made on the time of the House, for the Government to make some communication on that subject. As to the Bills before the House, it was quite understood that there were some that it was absolutely necessary to proceed with; but there were still one or two respecting which there was some doubt as to the decision of the Government. He therefore wished to know what course was to be taken with the Educational Endowments (Scotland) Bill?

Mr. GREGORY asked whether a Resolution was to be moved that night in regard to Terminable Annuities?

GENERAL SIR GEORGE BALFOUR said, that whether the Tories or Liberals were in power, the same thing always happened in regard to India. Again, the discussion on the Indian Budget was not only put off, but was not even mentioned. Surely, with a population seven times more numerous than that of the United Kingdom, and an area 12 times greater, and a Revenue approaching to that of the United Kingdom, the affairs of such a vast Empire well deserved a day for discussion. He wished, therefore, to ask the Prime Minister when he expected that the Indian Budget would come on, and whether the assistance to be given to India from the Imperial Exchequer would be given in instalments or in a lump sum?

SIR WILLIAM HARCOURT said, he had been requested by his right hon. Friend to answer a question put as to the Educational Endowments (Scotland) Bill. The Government were, of course, desirous to proceed with that Bill, but they felt that in the existing circumstances they were not able to make that

progress with measures for Scotland which they and the Scotch Members would desire. They had reason to believe that this Bill was one which the great majority of the Scotch Members wished to see passed, and, if that were so, he should think there would be no difficulty in passing it in the present Session, and the Government would certainly do all they could to facilitate that result. On the other hand, if a large number of Scotch Members were adverse to the Bill proceeding this Session, the Government would not press it on against their wish.

Mr. ASHMEAD-BARTLETT said, he regretted that the Prime Minister had not offered him an opportunity for bringing forward a subject which was far more important than the unfortunate Land Bill, about which no man in England cared a straw. It could not be denied that the question of Free Trade, Reciprocity, and retaliatory Protective duties excited a strong feeling out-of-doors.

Mr. RAMSAY said, that the Educational Endowments Bill was a measure which the majority of the Scotch Members desired to see passed into law. They approved its principle; but a great number of them were opposed to proceeding with it at this period of the Session. In their opinion—he did not say whether it was his opinion or not—the measure could not now be adequately discussed, because it would be necessary that there should be an interval between the second reading and the date fixed for the Committee, in order to give the country and the people of Scotland an opportunity of judging of the Amendments to be submitted for the consideration of the Government and the House. It was, he believed, on that ground that a large number of Scotch Members, certainly the majority of those now in London, recently presented a Memorial to the Prime Minister, asking him to forego the Bill this Session. Twenty-four Members signed the Memorial to that effect, and although the right hon. Gentleman said he hoped to take the Bill this Session he did not fix a day for it. The majority of hon. Members had been in attendance for more than seven months; and at this period of the Session they might expect to be relieved from all uncertainty as to the progress of any measure, and to have a specific day fixed for the second

reading, whether it ever got through any further stage or not.

DR. CAMERON said, he was sorry that the Prime Minister had not given a little more definite information. The House had been sitting from a very early period, and if only the most necessary Business were now transacted, it would be obliged to sit until a very late period. He did not know that the Scotch Members deserved to be treated any worse than any other section of the House; but he thought it was treating them very badly to keep them hanging on night after night, and refuse to say even whether the Bill was to be proceeded with or not. He approved—as a good many of the Scotch Members did—of the principle of the Bill; but they disapproved of details, and the discussion of those details would certainly occupy one good Sitting. If the Government proposed to proceed with it, by all means let them have a discussion, and the Scotch Members were quite willing to go on with it; but if it was not to be so—and he saw no prospect of its being done—the Government ought not to keep the Scotch Members dangling on, not knowing whether the Bill was to be taken or not. The Memorial to which reference had been made stated that the Memorialists approved of the principle of the Bill, but thought it expedient that it should be left over till next Session, and the 24 Members who signed that Memorial did not at all exhaust the number of Scotch Members who were of the same opinion. There was no doubt that at a time like this, however willing the Government might be to proceed with the Bill, it was utterly impossible that they would be able to do so, and therefore they would do well to defer it at once.

MR. DALRYMPLE observed, that a large number of Scotch Members sat on the Ministerial side of the House, and if they could not bring influence to bear on the Government in reference to this subject, it was not likely that anything falling from him would have that effect; but if the Government really intended to press the Bill this Session, they should name a time at which they would be disposed to take it. If the Government fixed on a night on which they could report Progress in Supply at a certain hour to proceed with the second reading, it would be found that the differences of opinion existing about this measure were not great; but when the

Committee stage was reached it would certainly be necessary to give an entire Sitting to it. By that means the measure might pass even at this late period of the Session; but he agreed with hon. Members opposite that the idea of still going on with the measure, without even yet fixing a day for it, was wrong. He differed from the hon. Member for Falkirk (Mr. Ramsay), who said that it would be necessary to consult the country between the second reading and the Committee. He believed the people of Scotland had made up their minds on the subject. The thing had been before them so very long that what was now looked for was the passing of the measure, and not that it should be sent back for consideration. It might appear inconsistent to make these remarks, and yet to have signed the Memorial alluded to; but the feeling of himself and other hon. Members was that that the period of the Session which had been reached made it difficult to secure an adequate discussion of the Bill, while if the Government showed a strong wish to proceed with the measure, they would not oppose that course, but they considered in that case a time ought now to be fixed for the second reading.

MR. J. W. BARCLAY said, he believed there was a general approval of the principle of the Bill, but various details would require considerable discussion. The Government had been informed of one or two important points on which the Scotch Members entertained very strong opinions, and with respect to which it was desirable to have the opinion of the people of Scotland; but the Government had declined to give them any satisfaction in regard to those points. One question was whether the future Governing Bodies were to be representative or not, and upon that the Government absolutely refused to give any reply. That roused the suspicions of the Scotch Members, and of a considerable number of the people of Scotland, as to what were the intentions of the Government with regard to the future Governing Bodies. If the Government had come forward frankly, and expressed their views upon that subject, the opposition to the Bill would have been very much modified. But, after what had passed, it was of very great importance that the people of Scotland should express a decided opinion as to whether they wished these Governing

Bodies in future to be representative, and also how far they wished the Bill to be extended. He was personally very strongly in favour of the main principle of the Bill, his only doubt being as to whether the revision went far enough.

SIR WILLIAM HARCOURT thought enough had been said. ["Order!"] At that time of the Session any Member who got up to withdraw a Bill deserved to be heard. He thought quite enough had been said to satisfy him that although, as he understood, all the Scotch Members were in favour of the Bill, none of them, so far as he had been able to gather, wished it to go on. That he understood to be the sentiment expressed on both sides of the House. ["No, no!"] He heard hon. Gentlemen say "No!" but perhaps they were among the 25 who signed the Memorial. After what had been said, it was evidently quite hopeless for the Government to struggle against the differences of opinion existing on the subject, and therefore he should not attempt to go on with the Bill; but, at the same time, he must express his entire dissent from the explanation given by the hon. Member for Forfarshire (Mr. J. W. Barclay).

SIR EDWARD COLEBROOKE said, he regretted that the Government had been in such a hurry to withdraw the Bill without consulting the Scotch Members who did not sign the Memorial. He agreed with the hon. Member for Glasgow (Dr. Cameron) that the Government ought to have named a day for the second reading; but he believed the provisions of the Bill were not of so wide a character as to be likely to cause any very great discussion. Moreover, the difficulty would have been a great deal removed by a frank statement of opinion on the part of the Government and the Scotch Members. At the same time, he must admit that the Government were struggling against great difficulties, and he would only hope that nothing which had now been said would act as a bar to their bringing on the Bill at a future time. The Government should bear in mind that there was at present a determined opposition on the part of Scotch Members. It was not that they loved the Bill less, but that they loved grouse-shooting more.

MR. C. S. PARKER said, he joined with his hon. Friend in the regret that the Home Secretary should be in such a hurry to abandon the Bill, when Scotch

Members who had served on the Commission were anxious to go on with it. He wished, however, to clear himself from all responsibility for the withdrawal of the Bill. The blame for the delay which had occurred lay with those hon. Members who persistently kept blocking Notices on the Paper against it, among whom was the hon. Member for Forfarshire (Mr. J. W. Barclay), who, although he now said he was in favour of the measure, had blocked it from the first on account of some small question which might be easily settled in Committee. Those who had been misled into signing the Memorial to the Prime Minister must also take some of the responsibility.

MR. T. COLLINS said, it was unreasonable that Members should be detained in town till the third week in August in order to discuss a Scotch Bill.

SIR R. ASSHETON CROSS said, he would suggest that the Ballot Act Amendment and Continuance Bill should be withdrawn for the present Session, and that a simple Continuance Bill should be introduced. As far as the Supreme Court of Judicature Bill was concerned, he would suggest that it should be divided in two parts, one having reference to the re-constitution of the Court consequent on the removal of the Master of the Rolls to the Court of Appeal, and the other dealing with the question of legal patronage. A considerable time ago it was understood that a Return of the patronage of the Judges had been ordered, but that Return had not yet been received. He supposed that the Bill had been drawn in ignorance of the amount of the patronage, and he suggested that the portion of it dealing with the question should be withdrawn. He repeated the question of his right hon. Friend (Sir Stafford Northcote) as to whether the Government intended to take Supply *de die in diem*?

MR. JUSTIN M'CARTHY said, he would urge that the House should not be allowed to separate without an opportunity being given for a discussion on the manner in which the law was at present administered in Ireland. In that country Constitutional Law was suspended, and the Government were every day making arrests of the most arbitrary and unwarranted character on the mere suspicion of any of their officials. If the Government had any necessity or excuse for that system, they ought to

justify themselves before the House and before the world; but so far they had made no attempt to do so. The recent policy of the Government and the recent arrests by their officials had not been brought directly under the consideration of the House, and he could not think that any sincere Member of the Liberal Party would like the House to separate without some statement from a Member of the Government as to all those arrests, and without some explanation which would show that the Government were sensible that after all there was a Constitution, although it had been suspended in Ireland, and that they were bound to offer some justification of their extraordinary conduct. It was a question which ought to be fully discussed, and he hoped the Government would give them an opportunity. The House of Commons had never been fairly informed as to the powers which the Government had taken under the Coercion Acts, nor had they properly understood the explanations given on behalf of the Government. The explanations had been inconsistent with each other, and inconsistent also with the policy which the Government had pursued. At the outset the Chief Secretary said the sole object was to relieve Ireland from the oppression of "village tyrants" and "midnight marauders;" but a very few days afterwards the Home Secretary gave an explanation which was quite different.

LORD JOHN MANNERS rose to Order, and asked whether it was competent on the Motion of the Prime Minister to review a discussion which had already taken place?

MR. SPEAKER: I consider that the hon. Member is transgressing the Rules of Order by the course he is now taking. The Question before the House is simply in reference to the course of Business. Upon that he is quite entitled to express a wish that the policy of the Government in Ireland may be reviewed at a proper time; but to enter into details is clearly out of Order.

MR. JUSTIN M'CARTHY said, he was simply asking the Government to give the House an assurance that he should have an opportunity of discussing these matters. He was urging the great necessity for obtaining information as to, and, if possible, some justification for, the conduct of the Government. Surely, it would be most unreasonable

and wrong that the House should separate without any such information or explanation.

LORD RANDOLPH CHURCHILL said, he should not proceed with his Motion with reference to Tripoli in consequence of the issue by the Government of Papers on the subject.

THE ATTORNEY GENERAL (Sir HENRY JAMES), in reply to the question of the right hon. Member for South-West Lancashire (Sir R. Assheton Cross), said, that the first part of the Judicature Bill dealt with the transference of the Master of the Rolls to the Court of Appeal. It was very necessary that that should be passed this Session. The second part of the Bill was designed to vest with the Master of the Rolls and the Lord Chancellor the legal patronage formerly exercised by the Lord Chief Justice of the Common Pleas and the Lord Chief Baron. That question, though not so pressing, was one of great importance; but it would not be unduly put forward for discussion if some interim arrangement could be made for dealing with it. The difficulty was that unless the subject were dealt with the patronage must either be left in abeyance or remain with the Lord Chief Justice.

SIR R. ASSHETON CROSS said, he was satisfied with the explanation of the hon. and learned Gentleman.

SIR JOSEPH M'KENNA thought the Bill before the House for dealing with Education in Scotland was, in many respects, a very good Bill.

MR. GLADSTONE remarked, that it was impossible that the Government could fix a night for bringing on the Educational Endowments (Scotland) Bill. With regard to Supply, it would be the duty of the Government to ask the House to apply the whole of the valuable time left to pressing it forward—at least, during the principal hours of the night. There was no intention at present to ask the House to recur to Morning Sittings. The hon. Member for Longford (Mr. Justin M'Carthy) would have ample opportunities for bringing forward the subject he had referred to before the end of the Session, seeing that the Appropriation Bill could not possibly be passed until the matter had been discussed. With regard to the Ballot Bill, it would be withdrawn, and a simple Continuance Bill would be substituted for it. With regard to the Indian Subvention, he had

nothing to add to what had been said before in reference to it—namely, that India would be put under an obligation to repay the £2,000,000 advanced, and that the remainder of the subvention would be made in a certain number of annual instalments. With regard to the New Annuities, a Bill relating to them would be introduced to-morrow night, and time would be given for its consideration. He could not name a day for the Indian Budget till he saw what progress had been made with other Business. With regard to the question of the right hon. Gentleman as to when the Prorogation might be expected to take place, he wished to point out that Votes of considerable importance in Supply still remained to be discussed, and it was impossible at the present moment to forecast the exact number of days that the discussion in reference to them would occupy. Months ago he had stated that there was a probability that the Prorogation would take place next week; but what had since occurred had not encouraged him to form too sanguine an estimate of the speed with which Public Business might be disposed of. In the course of a few days, however, he hoped to be able to give a more definite reply on the subject to the right hon. Gentleman.

SIR WALTER B. BARTELOT inquired at what hour the Bill for the Regulation of the Forces would be brought on?

MR. CHILDERS: Late this evening; perhaps about 12 o'clock. It is absolutely necessary that the Bill shall be passed speedily.

MR. PARNELL said, he certainly was very much surprised to hear the reply of the Prime Minister to the very temperate request of his hon. Friend the Member for the County of Longford (Mr. Justin M'Carthy)—namely, that he would be able to hold out some hope that the Government would afford Irish Members facilities for the purpose of discussing the wholesale arrests that have been made in Ireland. It was not as if they had pressed the Government unduly in reference to this question, and not as if they had refrained from giving them every facility with regard to the passing of the Land Bill, and not as if they had made use unduly of any of the Forms of the House for the purpose of endeavouring to obtain the ear of Par-

liament for the purpose of condemning the acts of the Irish Executive. It was not under these circumstances that his hon. Friend had pressed the Government for some reasonable facilities to put this matter before the House. Their conduct with regard to the Government had been to facilitate Government Business in every possible way. Since the Coercion Acts left this House until the present time, he himself had incurred considerable blame from many persons in Ireland, because they had considered he had allowed the captive to rest in his prison cell unnoticed and uncared for; and speaking for himself, and, he believed, for the majority of the Irish Members of that House, he protested that the Irish Members could no longer allow this neglect, for it was nothing more, to continue in regard to these suffering and helpless men. If they had neglected the case of the prisoners of the right hon. Gentleman the Chief Secretary to the Lord Lieutenant, it was because they wished to give the Government every chance of passing remedial legislation for Ireland, and because they desired it might not be in the power of anybody to say, from any side of the House, that they wished to prevent Her Majesty's Government from having a full trial in regard to their attempts to remedy Irish grievances; but now, when all that was passed, when nothing remained but the obtaining of sundry Votes in Supply, when the Government had expressly given up their other contemplated legislation, he said that they were entitled to ask that Her Majesty's Government should give them an opportunity of bringing forward the case of these men, who nobly sacrificed, many of them, their business and their social prosperity, in order to do what in them lay to help the cause of the Irish tenant. His hon. Friend had asked that some reasonable time might be given for the purpose of laying the case of these "suspects" before this House, and he had been told that on the Appropriation Bill he would have an opportunity. Well, he did not know whether the Prime Minister really expected them to wait till the Appropriation Bill, and give up all the time—namely, Tuesdays and Wednesdays—which would be at the disposal of private Members to any measures he proposed to bring before the House. But because they had been neglectful

of the personal liberty and freedom of the "suspects" in Ireland during the months that had rolled by since the introduction of the Land Law (Ireland) Bill, because they had refrained from pressing these questions, that was no reason that now, when these matters had disappeared, there was longer any excuse for them or for the Government to withhold the light of day from their doings in Ireland. Then he submitted that they were entitled to press this matter on Her Majesty's Government; that they were entitled to use the Forms of the House and assert the right, perhaps, of a majority of that House—certainly of a majority of the Irish nation—to justice, truth, and fairness in the doings of the Irish Executive. He, for his part, should not shrink from using all the Forms of the House to prevent the Government from appropriating these days, and thereby preventing them from any possible chance of laying this case before the House. It might be contended that the Government had followed precedents in regard to their doings in this matter; that they had not applied to Parliament at any unusually early period for these days; and to the fullest extent he admitted that, testing this matter by the calendar, the Government had not come to Parliament at any unusually early period. But testing the matter by the unexampled occurrences of this year, looking to the fact that at a very early period of the Session the Government obtained all the days—both the days of private Members and also those days which nominally belonged to the Government, but actually belonged to private Members—he alluded to Fridays—except Supply stood the First Order of the Day—looking to that fact, that all the days of private Members were placed at the disposal of the Government at a very early period of the Session for the purpose of passing Coercion, and looking at the fact that in the interval between the passing of the Coercion Act and the introduction of the Land Law (Ireland) Bill no attempt was made by the Irish Members or by the great bulk of private Members to press their grievances before Parliament or impede or incommode the Government in any way, and that immediately after that interval was over the Government again annexed all the days of the House for the purpose of proceeding with the Land Law (Ireland)

Mr. Parnell

Bill—he saw that the attempt of the Government to annex Tuesdays and Wednesdays now practically meant the extinguishing of the total rights of private Members in the time of the House. Now, they were really getting into a way of looking to the Government as a sort of *Deus ex machina* of the House of Commons, and, indeed, the Prime Minister appeared to be invested with the amount of regard for those who witnessed it, which was applied to the attributes of ancient Jove. Private Members, from occupying a position, when very much of the legislation was shaped in the various Motions and Bills brought forward by them, were now descending to this stage that, practically speaking, no opportunity whatever was to be afforded to them for the purpose of signifying to the House those matters in reference to which their constituents had sent them to this House. In other countries they found the Ministry of the day were not even allowed a place in the Representative Assembly. In the Legislature of the United States no Cabinet Minister had a place in the House; and formerly in this House it was the custom to regard the Government of the day as the Representative of the Crown, and not necessarily the Representatives of the entire popular opinion of the country. But now they were losing all regard for these matters. That House was composed of the Representatives of three distinct Nationalities, not to speak of a fourth. Yet they saw day by day all individual opinion, all private judgment and action merge in the *ipse dixit* of the Prime Minister. Now, they could not allow the fate of the Irish prisoners to remain unconsidered. Daily for the last three or four months he had been in receipt of dozens and scores of letters from these prison cells, which the Government must very well know, as they had opened them. These captives cried to them and asked them whether they were going to leave the men who had won the Land Bill? He said they ought not to leave those men, and they ought to urge upon the Irish Chief Secretary the duty of informing the House.

MR. SPEAKER: The hon. Gentleman is going beyond the Question before the House.

MR. PARNELL said, he would be very sorry to go beyond the Question, and he wished to confine himself within

proper limits. The Prime Minister had moved that during the remainder of the Session Government Business should have precedence on Tuesdays and Wednesdays; and he (Mr. Parnell) had endeavoured to point out that it was the imperative duty of Irish Members to bring the question of these "suspects" and the evidence on which they had been arrested before the House. These men had been arrested without a charge, almost without an accusation. The Government had repeatedly refused to give any replies to Questions which Irish Members had put with respect to them. It was absolutely necessary for the fair fame of many honourable men in Ireland that Irish Members should not allow the Government to continue to libel those men. The Government had arrested the hon. Member for Tipperary; they had arrested a trusted priest. [*Cries of "Order!"*]

MR. SPEAKER: I must caution the hon. Member that he is transgressing the Rules of Debate. The Question before the House is of a very limited character, and the hon. Member is not entitled to bring on the question of the imprisoned "suspects."

MR. PARNELL said, he understood that the Question before the House was a Motion by the right hon. Gentleman the Prime Minister that for the remainder of the Session the Orders of the Day should have precedence of Notices of Motion, and that Government Orders should have priority; and he had endeavoured to point out that if that Motion were acceded to Irish Members would practically be deprived of an opportunity of bringing the case of the imprisoned "suspects" before the House. He had desired to show that the character of these "suspects" was in danger—["Order, order!"]—that he might urge with additional force the right that Irish Members had to demand from the Government facilities for rescuing these men from the unworthy libel that had been cast upon them. He would not presume to continue his observations if the right hon. Gentleman in the Chair ruled that he was out of Order in saying that a good priest and a good Irishman — [*Cries of "Order!"*]

MR. SPEAKER: I have already ruled the hon. Member out of Order, and I am surprised that he should continue to make such observations after my ruling.

MR. PARNELL said, that Irish Members would appear to have lost sympathy for the "suspects" if they did not bring their case before the House. [*Cries of "Order!"*] The Ministry of the day, of course, always gained the sympathies of the powers that be in that House; but if they might not bring the cause of their imprisoned countrymen before the House, he would boldly say that all liberty and regard of private right was lost to that Assembly, and that the Minister of the day had transferred himself from a Constitutional Minister into a tyrant—[*Cries of "Order!"* and "Name him!"

MR. SPEAKER: I have repeatedly cautioned the hon. Member for the City of Cork, and notwithstanding these repeated cautions he has held language utterly un-Parliamentary and improper; and I hereby name Mr. Parnell as having disregarded the authority of the Chair.

MR. GLADSTONE: I was about to move, Sir—

MR. PARNELL rose and said: I will not wait for the farce of a division. I will leave you and your House, and the public will see that there is no longer freedom of discussion left to the Irish Members.

MR. GLADSTONE: Sir, I was about to move, when you rose from the Chair, that the words of the hon. Member be taken down. I must say I never in the course of my whole experience ever heard such words addressed to you—[*Cries of "Order!"*]

MR. HEALY: I rise to Order. [*Cries of "Order!"*] I rise to Order. The Standing Order on which the Prime Minister is about to act prescribes that he shall make his Motion without speech or debate; and I understand that on previous Motions of this kind the Prime Minister went very speedily to his duty.

MR. GLADSTONE: I thank the hon. Member for Wexford for reminding me that I ought not to have made a speech. I move that Mr. Parnell, having been named, be suspended from the service of the House for the remainder of the Sitting.

Motion made, and Question put,

"That Mr. Parnell be suspended from the service of the House during the remainder of this day's sitting."—(Mr. Gladstone.)

The House divided :—Ayes 131 ; Noes 14 : Majority 117.—(Div. List, No. 346.)

Question again proposed,

"That for the remainder of the Session Orders of the Day have precedence of Notices of Motions on Tuesday, Government Orders having priority, and that Government Orders have priority on Wednesday."

MR. O'DONNELL said, that it was perhaps regrettable that the Representatives of Ireland had only been able to intervene in this discussion at a late period; but this was due to the time that had been consumed by the Scotch Members. He thought that in asking the House to assent to this Motion the Government might have given the House more explicit information as to their intentions on several points. He had not been able to gather what the Government intended to do with regard to the Indian Budget, or to the discussion of Indian affairs generally. If the Liberal Party sat on that side of the House and such incidents were brought forward as wholesale murder in Indian gaols—for the charges on that matter amounted to nothing less—the Liberal Party would be in a ferment of generous indignation on the subject. He did not belong to the Liberal Party, and he hoped that Heaven might spare him from that final fall; but he thought that the Government should give the House the opportunity of discussing the affairs of the people of India, who, like the Irish people, were deprived of every form of Constitutional liberty. When the Prime Minister was in Opposition he had taken from his hands a Motion on the enslavement of thought and opinion in India by the Vernacular Press Act. That was two years ago; but nothing had since then been done in the matter.

MR. SPEAKER: I must remind the hon. Member that the question of the Vernacular Press of India is not now before the House.

MR. O'DONNELL said, he would only express a hope that the Prime Minister would give them an opportunity of discussing that important question. They ought also to have the opportunity of discussing the new University Scheme in Ireland—a scheme which promised well under the late Government, but which, according to recent rumours, did not promise well under the present Government. They were likewise entitled to receive an assurance from the

Government that distinct facilities would be afforded for the investigation of the very serious charges of maladministration and oppression made against the Irish Executive. The Government had challenged Irish Members to bring forward a Vote of Censure in regard to alleged cases of tyranny and wrong, and they would meet them. But although they indulged in those valorous challenges, they proposed to take away all the time available to private Members, thereby preventing them from bringing forward any such Votes of Censure. The conduct of the Government was such as to lead the people of Ireland to believe that they shrank, in violation of their pledges and in violation of every principle of Constitutional liberty, from a review of their conduct, and that they desired to see the hon. Member for the City of Cork (Mr. Parnell) anywhere rather than in the House, exposing their policy and holding them up to the indignation of the Irish people. Owing to the course taken by the Government, the Irish Members could only avail themselves of discussions in Supply, during which, no doubt, many unclean spots in Irish administration could be exposed, but where the full discussion to which they were entitled could not be secured.

MR. W. E. FORSTER said, that as his right hon. Friend had already spoken, he might state with regard to the inquiry as to the Indian Budget that it was the expectation of his noble Friend the Secretary of State for India to bring it forward as soon as they had disposed of or had made sufficient progress with Supply. With respect to the Irish University, the House would have two opportunities of considering that question—when the Bill now pending in the House of Lords reached that House, and again when the Vote in Supply was moved relating to it. With regard to the chief accusation of the hon. Member for Dungarvan (Mr. O'Donnell)—namely, that the Government avoided investigation into the conduct of the Irish Government, he had to remind the House that no Notice of a Vote of Censure had been given, and, therefore, the Government did not avoid such Motion. But if it was desired to review the conduct of the Irish Government, or to take a Vote of Censure, there could be no better opportunity of doing so than that mentioned by his right hon. Friend at the head of the Government—namely,

that which would be afforded by the Appropriation Bill. Not only was it impossible for a Government to avoid having their conduct reviewed, but it was impossible for them to avoid any Amendment to the Bill, which would be a distinct Vote of Censure. There could be no better opportunity for such a purpose or one more in accordance with Constitutional precedent, for it had been made available by Mr. Disraeli and Lord Palmerston to enable them to review the policy of the Government of the day. Nothing could be more consistent with the gravity of the subject and with the feeling of a section of the House than that the opportunity he suggested should be taken to move a Vote of Censure; but till it was, the Government had very serious duties to perform.

MR. NEWDEGATE said, he had nothing to complain of in the speech which had just been delivered; but he must remind the hon. Member for Dungarvan that a mis-spent Session could not be recovered during its last few weeks. He asked independent Members, was it possible, would it be decent that another Session should be so mis-spent? When the hon. Member asked the Government for facilities, he could not forget that the hon. Member had acted with a Party which had deliberately delayed the Business of the House during the Session. To their conduct was it attributable that independent Members had been obliged to resign one after another the opportunities reserved to them by the Constitution for the expression of independent opinion. From first to last the Irish Party had monopolized the Session by their misconduct. ["Order!"]

MR. HEALY asked whether the word "misconduct," applied either to a Party or individuals, was in Order?

MR. SPEAKER: It struck me that the observations generally of the hon. Gentleman are not within the subject of the Motion before the House?

MR. NEWDEGATE said, he would confine himself strictly to the Motion, which involved the resignation on the part of private Members of their proper opportunities of bringing independent questions before the House. He did not say that the Motion was untimely or unprecedented, but its effect would be that, with very few exceptional occasions, independent Members would be

deprived of their Constitutional privileges. The blame did not lie with the Government—it lay elsewhere; but he deprecated the fact that the House of Commons should be Session after Session incapacitated as a Representative Body, as it had been that Session, from transacting the Business of the country. There was no remedy for that state of things save a revision of their Rules. He claimed for the Leader of the House that he should apply himself to such revision, with a view to secure a fair distribution of opportunities for independent Members to express the feelings and opinions of Great Britain with reference to measures before the House. If the Government did not take the matter up, he hoped that the hon. Member for Swansea (Mr. Dillwyn) and other independent Members would.

MR. LABOUCHERE observed, that whatever differences of opinion existed among them they were all, he believed, anxious to get into Committee of Supply. He therefore hoped hon. Members would withdraw the Motions down on going into Committee of Supply, and allow them to proceed to Supply. He trusted also the Government would consider that the unanimous desire of the Press of England was that the Newspapers (Law of Libel) Bill, which had been blocked by the hon. and learned Member for Bridport (Mr. Warton) should pass.

MR. GOURLEY said, the hon. Member for Northampton had a Motion down in Committee of Supply, and it appeared to him that he simply asked him to withdraw his Motion on going into Committee so that he might bring his on.

MR. LABOUCHERE said, he would also withdraw.

MR. LEAMY complained that the Government had not promised to give to Irish Members the opportunity which was asked by the hon. Member for Longford (Mr. Justin M'Carthy). The condition of Ireland was quite as worthy of having a day given by the Government for its consideration as was the Ministerial policy in the Transvaal. He considered the hon. Member for Longford was quite justified in the request he had made to the Prime Minister, and that had it been acceded to the House would have been much nearer Committee of Supply than it was likely to be for some time. The reason why the Irish Members had not yet put a Vote of

Censure on the Paper was because the Land Bill stopped the way. When they brought forward any of the arrests that had been made they were taunted with obstructing the Land Bill. Now that the Bill was passed could not the Government give them one day on which to bring this subject forward? If they had not an opportunity of discussing the conduct and policy of the Government, they did not know how many arrests would be made during the Recess.

MR. ARTHUR O'CONNOR said, he was surprised at the supineness of the Scotch Members in permitting Bills in which they were much interested to be unceremoniously withdrawn. He held that the suggestion that Members with grievances had full opportunity of bringing them forward on the Appropriation Bill was worthless; and on the Constitutional maxim, that "the redress of grievances must precede Supply," he hoped his hon. Friends would not fail to urge upon the House and the Government their views on matters which they deemed to demand Parliamentary attention. The Estimates were, in fact, a series of pegs on which hon. Members could hang any Questions or Notices they liked, and it was perfectly impossible that discussions on them could be avoided. The opportunities which the Estimates afforded had, however, been much curtailed by the Government getting large Votes on Account. This was a practice which could not be too much condemned. He hoped his Colleagues would avail themselves of the opportunities which Supply still afforded to bring forward the grievances—and there were a great many—from which Ireland still suffered. The Prime Minister must see that the appeal of the hon. Member for Longford was a very reasonable one; and as the Forms of the House would preclude the right hon. Gentleman from speaking again, in order to give him a fresh opportunity of addressing the House he begged to conclude by moving that the debate be now adjourned.

MR. BIGGAR seconded the Motion. He said, he thought that there was every necessity for this Motion. The hon. Member for North Warwickshire had made a reference to Irish Members.

MR. NEWDEGATE: No, I referred to the Members for Great Britain.

MR. BIGGAR thought the hon. Member spoke more particularly with regard to the Irish Members. He (Mr. Biggar) certainly

repelled the idea that English Members who might or might not be thoroughly ignorant of the question in hand were at liberty to lecture Irish Members as to how they should behave and how the Irish people should be governed. The Irish Members stood in that House with equal rights with the English Members, and they had determination enough to insist on being heard on behalf of the causes they had to advocate. As to Supply, the Irish Members would vindicate their right to criticize the Estimates. He suggested that Business might proceed more satisfactorily if English and Scotch Members would make fewer speeches when Irish questions came up for discussion, and would be more influenced by those who understood the subjects. In the early part of the Session Bills were introduced which were of great interest because opposed by Irish Members, but the greater part of the discussion was taken up by English and Scotch Members.

MR. SPEAKER: The hon. Member is not keeping to the Question before the House. He is wandering far wide of it.

MR. BIGGAR said, that being so, he would confine himself to the Bills under the consideration of the House. There were Bills in which both the English and Scotch Members were interested, and, consequently, the Irish Members also felt an interest in these Votes, seeing the large number of Irishmen in England and Scotland affected by them. Some English and Scotch Members might think that Irish Members had no right to take part in the discussion of English and Scotch Votes in Supply; but he held quite the contrary opinion.

MR. SPEAKER: The hon. Member is not keeping to the Question at all, and if he does not keep very close to the Question I shall be called upon to regard him as wilfully and persistently disregarding the authority of the Chair.

MR. BIGGAR thought that perhaps enough had been said on the question, and he would simply conclude by seconding the Motion for the adjournment of the debate.

Motion made, and Question, "That the Debate be now adjourned,"—(Mr. Arthur O'Connor.)—put, and *negatived*.

Original Question put.

The House *divided*:—Ayes 111; Noes 12: Majority 99.—(Div. List, No. 347.)

Resolved, That for the remainder of the Session Orders of the Day have precedence of Notices of Motions on Tuesday, Government Orders having priority; and that Government Orders have priority on Wednesday.

ORDERS OF THE DAY.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MERCHANT SEAMEN'S PENSIONS.

RESOLUTION.

Mr. GOURLEY, in rising to call attention to the administration of Greenwich Hospital with regard to Merchant Seamen's Pensions, and to move—

"That, in the opinion of this House, the grant should include widows whose husbands contributed to the fund, and merchant seamen now in receipt of the Mercantile Marine Fund pensions; "

said, the merchant seamen contended that while the seamen of the Royal Navy and the Marines had received full and ample pensions from the contributions made by and for seamen generally from the Greenwich Hospital Fund, they had been debarred from receiving anything beyond the miserable pittance granted by the present Secretary of State for War in 1867. Since 1867 the aged seamen had been receiving £3 8s. a-year, while the widows had not received anything whatever from the fund to which enormous sums had been compulsorily contributed by seamen for a long course of years. If the seaman who might have contributed to the Greenwich Hospital Fund should elect to receive £3 8s. a-year, he was debarred thereby from obtaining another pension to which he was equitably entitled—namely, from the Mercantile Marine Fund. On the other hand, if he elected to receive a Mercantile Marine Fund pension, then, although he was entitled through the contribution which he might have compulsorily made to the Greenwich Hospital Fund to the pension which would accrue to him from the latter fund, he was debarred from obtaining it. It was desirable that the existing Act should be so amended as that men who were entitled to the Greenwich Hospital Fund should not be debarred from enjoying the benefits of that fund because they accepted a

Mercantile Marine Fund pension—they being entitled to both. It would, perhaps, be said, in answer to the claim that he was setting up, that the Government had taken over and advanced a large sum of money in connection with another fund, the Mercantile Marine Fund. He granted that; but the House must understand that the Mercantile Marine Fund was a compulsory fund, created by the Government of the day, equally with the Greenwich Hospital contribution. Therefore, if the Government lost by the winding up of the Mercantile Marine Fund, that was no reason why the poor men who had compulsorily contributed towards the Greenwich Hospital Fund should be excluded from their rights in regard to the latter fund. He denied that the one fund was intended to be a substitute for the other. The Preamble of the Mercantile Marine Fund Act contained an admission of the right of merchant seamen to the benefits of the Greenwich Hospital Fund. The Act was, in fact, passed for the purpose of supplementing and assisting the Greenwich Hospital Fund. He asked anyone acquainted with the Charter of 1694 and the Act of 1696 whether it was consistent with common sense that Parliament intended that merchant seamen should be taxed more than any other class of the community in order that they might bear the cost of pensions to men who had served in the Royal Navy? For his part, he did not think that such a proposition could for a moment be maintained. He trusted that his hon. Friend (Sir Thomas Brassey) would urge upon the Government the claims of a deserving class who were now mulcted to the extent of about £12,000 a-year by enforced deductions from their earnings. The hon. Gentleman concluded by moving the Resolution of which he had given Notice.

Mr. WEBSTER, in seconding the Amendment, assured the Government that the dissatisfaction with regard to the application of the fund since 1834 was not confined to the constituency of the hon. Member who had brought forward the Resolution. It was widespread among the seamen throughout Scotland, and more particularly in the seaports of the East of Scotland. He should not say a word as to the deservings of that most patient and hard-working class of men. Waiving this, it was quite plain that some legal right

was recognized on the part of merchant captains and seamen when the division of the Greenwich Hospital Fund was made by Parliament. It was also plain that the division with respect to merchant seamen was exceedingly parsimonious, and that the share allotted to them was not what they were entitled to. He hoped that the Lord of the Admiralty who had to represent this matter to his colleagues would see his way to recommend the claims of that deserving and ill-requited class. These claims were of very old standing, and he hoped the Government would look favourably upon them, even if it were necessary to introduce a Bill.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the grant to the Greenwich Hospital Fund should include widows whose husbands contributed to the fund, and merchant seamen now in receipt of the Mercantile Marine Fund Pensions,"—(*Mr. Gourley*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR ANDREW LUSK thanked the hon. Member for Sunderland (*Mr. Gourley*) for bringing forward this subject, because, rightly or wrongly, these old people thought that they had a grievance. They had been obliged to contribute to two funds from their hard earnings, and now if they received a return from one fund they were precluded from the benefit of the other. He never liked to break faith with those who relied upon the law. There were only some 3,000 or 4,000 of them alive, and they should not be denied when they demanded their rights. Seamen were, as a rule, a helpless class, and therefore he hoped that the Government would show some consideration for these applicants. This was one of those cases where a small wrong became very irritating.

SIR THOMAS BRASSEY said, that the hon. Member for Sunderland (*Mr. Gourley*) had made a persuasive appeal on behalf of the aged seamen. In much that he had said he concurred. Some years ago he had brought forward a proposal in that House for a seamen's benefit fund, to be managed by the officials of the shipping offices. He still cherished the hope that the merchant seamen might receive some assistance

in their efforts to combine for their mutual support in advancing years. It was not an essential feature of the plan for a merchant seamen's fund that the State should make a contribution of money. Whatever might be the decision on this point, it was his duty to resist any proposal to take money from Greenwich funds. Before submitting a short statement of the leading facts, there was one obvious remark which he might offer. His hon. Friend would acknowledge that the injustice of which he complained was not due to any action which had been taken by the present Admiralty. Similar demands had been steadily resisted by successive Boards, who were under strong temptation to become popular at the public expense by lavish charities to the merchant seamen. The unanimity of their decisions was, in his judgment, conclusive. The present Government, however, in their anxious desire to be just, had once more consulted the experienced officers of the Board of Trade and the Admiralty, under whom the pensions to seamen and the funds of Greenwich Hospital were administered. The Papers containing the correspondence with the Board of Trade would be distributed in a few days. The constituents of his hon. Friend would doubtless be supplied with copies of the Papers, and when they had read them they would be convinced that they had no claim whatever to further assistance from Greenwich. Without entering too minutely into details, he might observe that the relief of seamen who had served in the Royal Navy was the exclusive object of the noble foundation of William and Mary. That object was steadily kept in view both in the Act of 1696, under which the seamen of the Merchant Service were required to pay 6*d.* a-month to Greenwich, and again in the Act of 1834, under which they were relieved from the obligation. The protection afforded by the Navy to the commerce of the country was held to be a sufficient justification for imposing a tax on the Merchant Service. Passing from the original object for which the hospital was founded to the subsequent efforts of the State to administer to the wants of the Merchant Service, he might refer to the onerous obligation undertaken in connection with the Merchant Seamen's Fund. The management was unsatisfactory, and in 1851 the fund was wound up by Act of Parliament. Pen-

sions were granted at the average rates of the preceding five years, and the Exchequer was made responsible for any deficiency which might arise. The net result had been a loss of no less than £920,000. Notwithstanding the losses sustained in connection with their fund, a generous gift was made to the merchant seamen on the occasion of the closing of Greenwich Hospital as an asylum for the Royal Navy. By the Greenwich Hospital Act of 1869, power was taken to expend £4,000 a-year in providing pensions at the rate of £3 8s. to seamen who had contributed 6d. a-month to Greenwich Hospital for five years prior to 1835, and who were not in receipt of a pension from the Merchant Seamen's Fund. In making this concession the Admiralty were doing an act of grace, and they distinctly declined to acknowledge any legal liability. In 1872 a further concession was made. The annual expenditure from Greenwich funds was no longer limited to £4,000 a-year, and an Act was passed authorizing the purchase of annuities by the Board of Trade out of funds provided by Greenwich Hospital for all seamen who could prove a claim to pension under the regulations laid down in 1869. The charge which had come on Greenwich Hospital in providing pensions and annuities under the Acts of 1869 and 1872 had already amounted to £158,000, and it was contemplated that a further sum of from £40,000 to £50,000 would be required. The regulations under which the pensions were granted had been made the subject of complaint. It had been argued that seamen who were in receipt of pensions from the Mercantile Marine Fund ought not to be debarred from the enjoyment of pensions from Greenwich Hospital. In November last the Admiralty addressed a letter to the Board of Trade asking them, as the official protectors of the merchant seamen, how far the sum of £3 8s. per annum, whether paid in the shape of a Greenwich pension or a Merchant Seamen's Fund pension, was a sufficient equivalent for the enforced contribution of 1s. a-month? In reply, they were told that the sum now paid was in excess of the value of the enforced contribution with interest. The hon. Member for Sunderland was not content to urge the claims of the seamen themselves, and he asked that pensions should be extended to widows. The de-

mand could not be presented to Parliament as a matter of right and justice. If, on the other hand, the cause of the widows were pleaded as a case for the charitable consideration of the Government, he had already shown that there were other resources directly arising from the Mercantile Marine from which, if they thought it right to make a concession, an appropriation might be made. The pensions from the Mercantile Marine Fund and the grants from the Greenwich Funds, so far from being an inadequate return for the contributions, had already involved a loss to the State of more than £1,100,000. Having dealt thus far with the case of the seamen as founded on their individual contributions, he passed on to the claims put forward on their behalf as heirs to former generations of contributors. It had been maintained in several Petitions that not less than £2,000,000 of the accumulated funds of the Hospital had been derived from the enforced contributions of merchant seamen. The statement was incorrect. The personal property of Greenwich Hospital was mainly derived from other sources—from unclaimed prize-money, assigned to the Institution in the reign of Queen Anne, and from the prize-money of deserters, made over to the Hospital in the reign of George II. It included a percentage of 5 per cent on all prizes taken during the Great War. The sale of portions of the Derwentwater Estates, which were appropriated to the Hospital in the reign of George II., had been another source whence the personal property had been accumulated. But of all these sources of wealth, the most important was the transfer, in 1814, of the funds of the Chatham Chest, amounting to £1,355,000. The Chatham Chest was originally established in the reign of Queen Elizabeth, and the revenues were derived from Parliamentary grants, charitable bequests, prize-money, and a tax of 6d. per month levied on seamen serving in the Navy. Having shown that the merchant seamen have no claim, whether in law or in equity, to further contributions from Greenwich Hospital, it might not seem necessary to carry forward this discussion. It might, however, be satisfactory to the House to know the numerous and benevolent uses to which the funds of the Hospital were devoted. Its whole revenues were bestowed in ministering to the necessities of men who had done long service to the coun-

try. Out of a total income of £161,000, no less than £120,000 were expended in pensions and gratuities. In addition to this, they were educating 1,000 boys, the sons of seamen and marines. They were doing this at a cost below the average in similar institutions. It had been objected that too large a sum was expended in salaries. To this he had to answer that the school was completely re-organized in 1870 by a committee of which the present Secretary to the Admiralty was the chairman. But although the Establishment was thus recently revised, they had thought it right to appoint a committee, which was on the point of reporting the result of its inquiries. He had reason to know that the work undertaken by Admiral Hickley and his colleagues, the Member for Falmouth, and Sir Digby Murray, had been thoroughly done, and that it would result in valuable improvements in the dietary of the school, and in the training of the boys for the sea service. Where an increase of expenditure was required, they would be able to meet the cost by economy in other directions. In conclusion, he had to express the hope that his hon. Friend would be satisfied with the explanations he had received. He had done his duty to those whose cause he had advocated by stating their case in Parliament. It had been his (Sir Thomas Brassey's) duty, on behalf of the Navy, to show that the cost of the benevolent plan of his hon. Friend could not in justice be made a charge upon Greenwich funds. Hon. Members would believe that it was not an agreeable duty to resist an appeal on behalf of aged and, perhaps, necessitous persons belonging to a class with which he had a warm sympathy. In following his hazardous calling the merchant seaman did a duty to society and to the State, and he had a strong claim to our benevolence; but the seamen of the Navy might be called upon at any moment for yet greater sacrifices. Even in peace, grave disasters might occur, bringing misery to many homes. The present Board of Admiralty were anxious to make more ample provision for these distressing calamities, and if they permitted an unjustifiable encroachment on the limited resources of Greenwich Hospital, they would deprive themselves of the means of giving relief to seamen who had grown old in the service of their country and to the widows and orphans of their

comrades who had fallen at the post of duty.

Question put, and *agreed to.*

Main Question proposed, "That Mr. Speaker do now leave the Chair."

PUBLIC HEALTH—THE LOCAL GOVERNMENT BOARD. — OBSERVATIONS.

DR. CAMERON, in rising to call attention to the power possessed by the Local Government Board for the prevention and control of formidable epidemic diseases, and the manner in which those powers have of late been exercised, said he would not have ventured to call the attention of the House to this subject, had it not been for the very critical and dangerous position in which the Government were at present placed. At the last meeting of the Metropolitan Asylums Board, one of its most energetic members—Sir Edmund Currie—stated that unless immediate steps were taken for the control of these epidemic diseases, they would probably return from their vacation to find themselves in the midst of an epidemic of small-pox and scarlet fever, with no means of coping with it. Already some 1,800 persons had died from the late outbreak of small-pox in the Metropolis. He believed that if prompt measures had been taken by the Local Government Board that epidemic would not have occurred. The small-pox epidemic had been less fatal at present than at any previous period of its prevalence; but the fact that the mortality was less than it formerly had been was no proof that they were at the end of their trouble. The Local Government Board were enabled by Act of Parliament to order the Metropolitan Asylums Board to construct hospitals for the reception of persons suffering from infectious diseases, and such an order had the effect of rendering it imperative on the Asylums Board to carry out their instructions, and any hospital so provided could remain where it was placed in spite of the protests of the people of the district. In March last a case was tried and carried to the House of Lords, in which it was declared by that tribunal that if it were proved that a small-pox or any other hospital for the treatment of infectious diseases was a nuisance to a populous district, it might be shut up, and that the order of the Local Government Board was no authority for keep-

ing it open. Since that decision of the House of Lords, the Metropolitan Asylums Board could do nothing in the way of establishing hospitals of that kind. By the Public Health Act of 1876 the Local Government Board, when an outbreak of infectious disease was threatened, could make, alter, and revoke regulations for the provision of medical aid and accommodation, and for guarding against the spread of the disease. His charge against that Board was that since December last, while an epidemic had prevailed, they had done absolutely nothing; they had refused to take any initiative or to give any advice. Had they been dealing with a threatened invasion of cattle plague, instead of small-pox or scarlet fever, they would have had the Vice President of the Council exerting himself to the utmost to cope with the apprehended visitation. In December last warning was given to the Local Government Board by the Metropolitan Asylums Board that small-pox was steadily increasing, and that something should be done. But nothing was done. In March, 1,500 applications for the admission of patients were obliged to be refused from want of hospital space. In May the Asylums Board themselves proposed to establish a hospital for small-pox convalescent patients at Darenth. The Local Government Board gave their assent. Later on a ship was placed at the disposal of the Asylums Board by the Admiralty, and that hospital ship was opened a couple of months ago. It might have been expected that a Department which was really the Department of Health in this country should know something about coping with dangerous epidemics. They had the outskirts of the Metropolis available to them, and also the river; but they were not resorted to until it was too late. There had been nothing to prevent the Local Government Board; and he said it was its duty to have advised the Asylums Board that all the thinly-inhabited country outside of London, and also the river, lay open to them, where no nuisance would have arisen from the hospitals. If they had taken that course in time, a vast amount of the mischief which they had suffered would have been averted. The city which he had the honour to represent was an unhealthy one. Houses were crowded together; scores of families lived in some

tenements; and when epidemics broke out they spread with a virulence which happily was not manifested in London. But in Glasgow, during the last 11 years, although there was an epidemic which extended over five years, and although they had had repeated importations of the disease into the town, the mortality from small-pox had not been one-third what it had been in London during the same period. The saving of life might appear trivial to some Members, but it was not so to him. In Glasgow during those 11 years the mortality was 1,590 persons per 1,000,000, whilst in London it was 4,580 persons per 1,000,000; or, taking the inhabitants of London at 4,000,000, the avoidable mortality in London—mortality from small-pox—in excess of what occurred in Glasgow was close upon 12,000. That was a startling fact, and it showed that they ought to adopt in London the same systems of supervision that existed in Glasgow. This was what was done in Glasgow. He knew a case where small-pox broke out in a tenement consisting of perhaps 60 or 70 families, and was only discovered on the death of one person. The medical officer, who there was entrusted with the entire control of epidemics, immediately on the case being reported to him, instituted a floor to floor and house to house examination, and he discovered that 24 cases had arisen from the one to which he had referred. The staff of vaccinators with which the medical officer of health was provided attended and offered to all the tenants and the members of their families the safeguard of re-vaccination, and in the result 200 to 300 persons were re-vaccinated; and owing to the steps thus taken, whereas 24 cases were infected from one case, not a single fatal case occurred. Why were not similar provisions made here to grapple with epidemics? Had that been done, the disease would never have spread to the alarming extent it had. It was no use putting out placards that people could be re-vaccinated at certain places. The people would not come. They must go to the people. Even where the people were disposed to come to the vaccinators, there was such difficulty in getting a supply of lymph that it had to be stopped. As in Glasgow, so in London, on the medical officer of health should devolve the whole responsibility; but he should be supplied with

everything in the way of remedy and everything in the way of assistance that he required. Such, however, was not the case; the trifling expense necessary for obtaining a due supply of lymph was not incurred, and no staff of revaccinators was provided. If this wooden system were to be allowed to prevail, they had better keep in the Treasury the £300,000 they were asked to vote, and leave it to private energy to face a danger the necessary exertion for which, he believed, would have been put forth by the Government Department if it were cattle plague that had to be stamped out.

Mr. DODSON said, he understood the complaint of the hon. Member for Glasgow to be that the Local Government Board had not put in force the extraordinary powers for dealing with formidable diseases vested in them by the Public Health Act. As a matter of fact, however, it was not that Act, but the Prevention of Diseases Act that applied to the Metropolis; and it was evident that the abnormal powers given by that Act were only to be applied in a case of plague, or Asiatic cholera, or some unusual and terrible visitation with which the local authorities were unable to cope. He would therefore put it to the hon. Member and to the House whether in their view it was necessary, in the face of the events which had occurred, to exercise the extraordinary powers which were suggested by the hon. Member? As far as the question of house-to-house visitation was concerned, the Guardians in most instances had, with the approval of the Local Government Board, made provision for the purpose by appointing assistant vaccination officers, and the Vestries and District Boards had each of them medical officers, whose duty it was to keep them informed as to the condition of the health of the districts in which they were engaged. As regarded medical attendance for the poor, it was well secured through the agency of the Boards of Guardians, while the affluent classes of course provided for themselves. As to the speedy interment of the dead, not even the hon. Member would contend that any occasion had arisen for the exercise of extraordinary measures for that purpose. On the contrary, to have put forth the powers to which he had referred would have caused an unnecessary panic in the Metropolis, and would have been tantamount to proclaiming

martial law because of a disturbance in Hyde Park. He could not admit that the Local Government Board had shown any apathy in this matter. The Metropolitan Asylums Managers had responded most readily to the suggestions of the Local Government Board; but he was sorry to say that the Vestries and District Boards had done very little to provide hospital accommodation, as they were bound to, for persons not paupers who were attacked by infectious diseases. They were not, however, under the jurisdiction of the Local Government Board. It was all very well for the hon. Member for Glasgow to institute comparisons between the city which he represented and the Metropolis; but he seemed to forget that in the Metropolis there were difficulties, connected with its size, the fluctuation of population, the change of lodgings and other matters, which made it much more difficult than in Glasgow to discover or to follow cases in which the Vaccination Act might be evaded. As he had said, it was not possible for the Local Government Board to act directly; they only acted indirectly through the Metropolitan Asylums Board and to some extent upon other local bodies in the way of giving advice in such a manner as he had no doubt had produced, and would continue to produce, good effects on the health of the people. Since the Metropolitan Asylums Board had been established much had been done to provide hospital accommodation. The Board were bound to provide hospitals for the pauper class only; but in consequence of the general neglect of the Vestries and District Boards to do their part and provide hospitals for the non-pauper class, both classes had in the recent emergency resorted to the Board's hospitals. Even as it was, but for the closing of Hampstead Hospital, which had proved a great misfortune, the Asylums Board would almost have provided all the accommodation that was necessary. The Board had, including Hampstead, five permanent hospitals sufficient together for upwards of 1,000 patients. The closing of Hampstead had deprived the Board of 300 beds. To meet the difficulty thus created in the present epidemic, accommodation had been provided at Darenth for 600 convalescents, and a hospital ship, *The Atlas*, established, which could receive from 150 to 200 patients. As to vaccination, it was not the duty, nor was it in the power of

the Local Government Board to supply lymph by the pint or the quart for the vaccination of all persons. Parliament had not given it the means and did not intend to do so. The vaccinations which took place in England and Wales numbered 750,000 a-year. The Local Government Board could not provide lymph for all these. As it was it provided lymph stocks to about 10,000 medical applicants in the year. It had recently established a provision of animal lymph for the benefit of such applicants. In the endeavour to establish hospitals the Metropolitan Asylums Board had been greatly hampered by the objections made by the inhabitants of the districts where it was proposed they should be situated. This was shown by what had occurred at Hampstead, at Fulham, and at Wormwood Scrubbs. He must remind the hon. Member that the present epidemic was not nearly so severe as was that of 1871, and there was reason to hope that it would not be as severe as even that of six or seven years ago. Nevertheless, he could assure the hon. Member that he was by no means inclined to make light of the matter, and was desirous of using to the utmost the very limited powers that had been intrusted to the Local Government Board to deal with the matter. He trusted that the experience of the last few months would not be altogether thrown away either upon his Department or upon the Vestries and local authorities upon whom so much depended. He was far from finding fault with the hon. Member for Glasgow for having brought this subject under the notice of the House, because he was aware of the warm interest which the hon. Member took in sanitary matters; and he trusted that the effect of the discussion might be to stimulate the local authorities to exertion in dealing with these outbreaks.

Mr. WARTON said, he must express his thanks to the hon. Member for Glasgow for having brought this subject before the House; but he thought that the President of the Local Government Board was rather proud of the letters that prevented him from doing anything to secure the health of the people. If the President of the Local Government Board found his hands tied, why did not he bring in some Bill to release them? He was glad, however, that the right hon. Gentleman was so much wiser this Session as to drop the Bill he had last

Session threatened the country with, which would have spread small-pox by relieving persons from penalties for not causing their children to be vaccinated.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

RUSSIA IN CENTRAL ASIA.

OBSERVATIONS.

Mr. ASHMEAD-BARTLETT, who was precluded by the Forms of the House from moving the following Resolution:—

“That the annexation of the whole country of the Akhal Turcomans by Russia, in violation of her promises to this Country, has been encouraged by the unfortunate evacuation of Candahar, and is a menace to the security of British India;”

said: I regret, Mr. Speaker, that it should be necessary to discuss so important a question as that to which my Motion relates at a period very late in the Session, and at an advanced hour of the evening. Hon. Members are naturally exhausted with the heavy labours of a prolonged Session; but the opportunities open to private Members have been so very rare that I do not feel justified in postponing the discussion, on the remote chance of finding a more favourable day before the Vacation. My Notice was placed upon the Paper before recent events in Afghanistan had made the subject even more important. The grave crisis which now exists in that country makes the question peculiarly appropriate. Candahar, the great position which those who wished well to British supremacy in India were so anxious to retain, the scene of our defeat and triumphs, is now in the power of a bitter enemy of our rule. The Prince who inflicted the greatest reverse that British arms have experienced in Asia for more than a generation, is now supreme in Southern Afghanistan. Ayoub Khan, who defeated General Burrows, and was in turn overcome by Sir Frederick Roberts, has recovered from his reverse, has utterly vanquished the Army of our pensioner and *protégé*, Abdurrahman, Ameer of Kabul, and is now master of Candahar. The £400,000 of treasure, the rifles and the cannons which our Armies captured, and which were handed over with such foolish precipitation to an untried and incompetent candidate for the Afghan Throne, have now become the spoil of his rival and our

enemy. By a striking coincidence, the defeat of Abdurrahman took place on the very day on which, 12 months ago, Ayoub inflicted the crushing disaster of Maiwand upon a British force. Such a triumph must have an injurious effect upon the prestige of England, not only throughout Afghanistan and Central Asia, but too probably in Hindostan as well. A state of civil war and anarchy, which is the fertile soil for Russian intrigue, has been created in Afghanistan. The noble Marquess the Secretary of State for India must now remember, with painful vividness, many of the arguments and prophecies which were addressed to the Government from Members of the Opposition, with regard to the abandonment of Candahar. I do not propose to reiterate those arguments now beyond the briefest recapitulation. On four principal grounds the retention of Candahar was urged upon Her Majesty's Government. It was pointed out that its strategic position, as a great military stronghold, was of immense value for the security of British India. That value has been testified to by the authority of every soldier of any eminence, with one single exception, both in India and Europe. Candahar is on the high road by which every great conqueror of the past has advanced to the subjugation of Hindostan. By a trifling expenditure of money, and with a garrison of some 10,000 or 12,000 men, it might have been made an impregnable bulwark of the Empire. As a great centre of commerce, Candahar is equally important. It has always been the chief mart of Afghanistan and Central Asia. Under our beneficent rule there, its trade had already doubled. If the railway, which Lord Beaconsfield, with such brilliant foresight, planned and begun, had been completed, Candahar might, in a few years, have become one of the greatest emporiums of the world. The manufactures of Lancashire and Yorkshire could have been carried, in four weeks, into the heart of Afghanistan. Vast regions now closed to British commerce, and about to fall under the influence of Russia, would have been opened to our stagnating manufactures, which would have been then diffused throughout Afghanistan, Northern Persia, the country of the Turcomans, and even remoter territories. The interest of the population itself of Candahar was a most forcible argument in favour

of our retention of that city. None of the pretences under which it was abandoned are false than the specious statements that the people wished us to go. The majority of the inhabitants of Candahar wished us to remain. They greatly flourished under the reign of impartial law and peace, which, for the first time for many years, they enjoyed under British ascendancy. Their trade doubled. They bitterly dislike the Afghan tyranny under which they have suffered not only but extortion, oppression, and suffering. Three-fourths of the people of Candahar are not Afghans at all. They are Persians and Hazerehs, who are by nature and habit industrious and peaceful, and who hate the rule of the licentious Afghan. It is equally incorrect to state, as the noble Marquess has done, that the Candaharis showed their hostility to British rule by falling upon the remnant of General Burrows' Army as it fled from the battle-field. Had any such general hostility been displayed, not a man could have escaped. In a few villages only, and these Alizai and Pathan, our soldiers were attacked. The best disproof of the statement consists in the fact that the inhabitants of Candahar remained perfectly quiet and loyal during the trying siege when our very scanty garrison was surrounded by Ayoub Khan's numerous host. It was not for the interest of the people of Candahar, but against their interest and to their grave injury, that we abandoned Candahar. To whom did the British Government give up that populous and flourishing city? The Governor, whom the Ameer, our *protégé*, had sent to succeed us, was described by the able correspondent of *The Times*, then with General Hume, "as a loutish-looking youth of 19, with manners worse than that of the average Afghan noble." It was to this "loutish-looking youth" and his tender mercies that the people of Candahar were given over by a Government that professed to consult their interest. Now, the same unfortunate people are exposed to the resentment of the new victor, and the House may easily picture the fate of those who are obnoxious to Ayoub, because they have been partizans either of England or of Abdurrahman. Well, Sir, there is a fourth ground, on which those who wish well to the power and repute of Great Britain, opposed the policy of surrender. I do not expect this reason to carry much weight

with hon. Members opposite, who seem as indifferent to the honour as they are to the material interests of their country. The word of England—that word hitherto inviolate—had been pledged to the people of Candahar, that “they should not again fall under the rule of Cabul.” These were the words in which Sir Donald Stewart, as Governor and as General, representing the British Government, addressed those people. That promise was in 12 months fulfilled by their transfer, their unwilling transfer, to the considerate autocracy of a “loutish youth of 19,” the Agent of the Ameer of Cabul. Sir, when I speak of this humiliating transaction, I cannot help recalling a similar episode, associated with others even more disgraceful, in the recent history of another portion of the British Empire. Sir Garnet Wolseley, also as Governor and General, assured the loyal Colonists and Natives of the Transvaal that—[*Cries of “Question!”*] I have no doubt those home truths are extremely unpalatable to hon. Members below the Gangway. I am entitled to illustrate my argument by a reference to a parallel case, and I do not intend to be disconcerted by the interruptions of the hon. Member for Scarborough (Mr. Caine). Sir Garnet Wolseley said that “the rivers should flow back in their courses, that the sun should rise in the West,” before the Transvaal should be again given up to the Boers. Both these solemn assurances have been falsified by the action of the present Ministry. It is an evil practice which they are introducing; a practice which destroys all confidence among the nations in the honoured word of England. Sir, I trust that I have been able to show that the abandonment of Candahar was most unfortunate and ill-timed, and that it benefited no one. Neither the power, the influence and commerce of Great Britain, nor the interests of the people of Southern Afghanistan, nor the safety of Hindostan, were secured by our retreat. Within a few months of the day on which the last British soldier filed out from the ramparts of that splendid position, our enemy is within its walls; and Russia, has, in breach of her engagements, annexed a splendid people and a fertile territory, which brings her armies 400 miles nearer our Northern Indian Frontier, and close to the borders

of Afghanistan. That country is the key of Hindostan. Nadir Shah, the great Persian conqueror, said that “the power which holds Candahar holds India.” All the great authorities are agreed, whatever was their side in English politics, that all Russian influence must be excluded from Afghanistan. Even Lord Lawrence, the great standby of hon. Gentlemen on the Treasury Bench, had said that if Russia moved with regard to Afghanistan “we must wage war with her in every quarter of the globe.” The Under Secretary of State for Foreign Affairs strongly affirmed this principle in his recent speech during the Candahar debate. Afghanistan could not stand by itself. It must fall under either British or Russian influence. If we deliberately abnegate our interests and duties in that country, Russia will quickly and gladly occupy our position, and we can hardly blame her for doing so. Every event of recent Afghan history proves this. When Shere Ali had been satisfied that the Ministry of the right hon. Gentleman (Mr. Gladstone) were, in 1873, too short-sighted or too timid to give him the alliance he offered and prayed for, Shere Ali at once threw himself into the arms of Russia. There is no unity or homogeneity about Afghanistan. It is not united, and hardly ever has been united. For a short time, under Dost Mahomet and Shere Ali, but only after bloody and exhausting civil wars, has Afghanistan been united. The inhabitants are made up of different races, with no bond of union, who are alien in religion and hostile in feeling to each other. The military strength of even an united Afghanistan is contemptible. We have never found any difficulty in conquering it; nor should we have had much trouble in holding it, provided we had possessed the courage to have a distinct and consistent policy, and to stand to it. A large party could soon be formed favourable to our rule, and the whole country would settle down as quietly as the Punjaub did in 1847. There are already 700,000 Afghans subject to British rule in that province. Russia can easily conquer and hold Afghanistan. What, then, are the dangers from a Russian advance? However much the apprehensions and warnings of those who have often been styled alarmists and Russo-phobists may have

been ridiculed, no one who contemplates the patent facts of Russia's recent progress in Asia can any longer be indifferent to her advance. I will not weary the House with the details of Russian conquest in Asia. Suffice it to say that since 1862 she has moved forwards over 1,000 miles in the direction of British India. Her armies have traversed vast regions, great rivers, sterile deserts; have overcome savage and warlike races; have conquered great and populous cities, and acquired fresh bases for their operations within striking distance of Afghanistan, if not of India itself. In two directions her outposts are now barely 600 miles from our North-Western Frontier. The great Khanates of Central Asia have been conquered and annexed; and in the cities of Tashkend, Bokhara, and Samarcand, General Kauffman presides over an immense Vice-Royalty, bounded by the Oxus. On the more menacing side of the Caspian, General Skobelev has recently made a prodigious advance, which has brought him close to Herat, and made Russia master of the richest portion of the Turcoman country, and of Northern Persia. It will be a terrible mistake, one fraught with the most disastrous consequences, if Parliament shows itself indifferent to this menacing proximity. Do hon. Members really ridicule the danger of a Russian invasion of India? Do they still assert that she has no intention nor wish to acquire that splendid Dependency for herself? On what grounds do they base their foolish confidence? What is there in the history of Russia to justify it? Has not her whole career been one of continuous aggression and conquest? Which of her neighbours have escaped her tenacious and devastating onslaught? Race after race, country after country has succumbed to the insatiable greed of the Russian power for fresh territory. What is there in the special case of India to justify such confidence? I ask hon. Members to consider the bare facts of the Russian advance in Asia, and ask themselves, dispassionately, for what object she can have incurred the vast sacrifices she has cheerfully undergone to extend her power, and always in the same direction — towards Hindostan? Why has she expended so much blood and treasure, so much labour and time in the conquest of wild countries

and of brave and barbarous peoples? There can be but one reply. Her toil and expenditure have been devoted to one great object quite worthy of such efforts and offering an ample reward. The prize sought for is the fabled wealth of Hindostan. India, the Eldorado of all great conquerors, from Alexander I. down to our own time, is the reward that Russia has in view. It may be that experience has taught us that India is not so rich as we once imagined. Yet there is a vast amount of realized treasure in that country, of coin, of precious stones, of ornamental wealth, which are most attractive to an avaricious bureaucracy, civil and military, such as that which has control of the Russian Power. They are troubled with no scruples. It is not the good of the conquered people they seek. There are no sentimental humanitarians to press the claims, just or unfounded, of the subject population upon the conscience of the Russian public at home. The Russians desire to conquer countries in order to exploit them. The Natives of India would soon enough discover the contrast between our beneficent supremacy and the remorseless tyranny of St. Petersburg. Russian rule has been a curse and not a blessing to every people that has fallen under its crushing power. But, Sir, do facts in any way show that Russia has no intention of invading India? I have good evidence to the contrary. Scores of Russian officers have in my presence avowed their hope of sharing some day in the attack upon that coveted Dependency. Russians are extremely frank in their admissions upon these subjects — I mean the ordinary Russian officer or civilian, not, of course, the professional diplomatist or politician. General Skobelev himself, the ablest of Russian commanders, has repeatedly stated that he hoped himself to lead the Russian Army that should march to the conquest of India. The Grand Duke Nicholas the younger, in a book recently published, speaks of a pass in Central Asia which he was then exploring as on the route that he expected to traverse with an army of invasion. India, I affirm, is the goal, the ultimate end, not only of all Russian progress in Central Asia, but of the military aspirations of the great bulk of the Russian Army. Now, Sir, this being the case, I should like

Mr. Ashmead-Bartlett

to ask hon. Members opposite if they have any idea what that Army is? Authorities of great weight say that in a few years it will number over 8,000,000 of fighting men. [*Laughter.*] Mr. Speaker, these are not my figures, they are the official estimates of the Russian War Office as to the results of its new scheme of Army Re-organization. They are confirmed by the evidence of a gentleman of intimate acquaintance with Russia, the only European who took part in General Skobelev's recent Turcoman campaign. I should like to read what this gentleman, the Correspondent of *The République Française*, the leading journal of France, M. Gambetta's organ, says of the Russian Army—

"The Russian Army within seven years will number an effective of 8,000,000 of men. You cannot imagine the ardour which excites all these young men, soldiers to the tips of their fingernails, only demanding a campaign—content, satisfied, proud, when they gain the Cross of St. George, or when in the midst of flashing sabres they can die gloriously. You cannot compare these men with any other European Army. To them war is a game, a pleasure, a recompense. 'Hurrah! the Tekkes!' they cried, when they were on the march to Central Asia, ready to die rather than to retreat (he saw two whole companies slaughtered, not one having tried to fly). You must see them, you must hear them, you must live in their midst to understand them. War is a perpetual song; it is their ardent irresistible desire to hurl themselves into the *mêlée*."

Now, Sir, it does not matter very much for my argument whether the Russian Forces are 8,000,000, or 4,000,000, or 2,000,000 strong; the smallest number would, I imagine, be a most awkward problem for our scanty Army to cope with. India has been often conquered by invaders who followed the very route by which the Russians are now so rapidly pressing. To take one instance only, Nadir Shah, in the middle of the last century, marched with 80,000 men from Teheran to Candahar, from Candahar to Delhi, the capital of Hindostan. He took and sacked the Imperial city, and then marched to Bokhara, North of the Oxus, by way of Herat and Balkh. Nadir Shah thus traversed the two great pathways by which the Russians are now converging upon India. How, then, does the Party which advocates indifference and neglect propose to meet an invasion when it comes? Do they think that Russian bayonets can be met by anything except armed men? Do they think that they can repel the onslaught

of the men who took Plevna by laughing at them? Or do they propose to entrench themselves behind their money-bags—and even these are shrinking—and expect the Russians to retire overwhelmed from the contest? Is it by their superior "moral sense?" Is it by their self-satisfied consciousness of superior philanthropy? Is it by their pacific intentions that they hope to drive back the Cossack and the Circassian? I know, Sir, it has been the fashion to allay alarms by assuming that Russia has not the money, nor the resources wherewith to invade India. Let not hon. Members lay that flattering unction to their souls. There cannot be a greater mistake. No country that has the men, and the spirit, the courage, enterprize, and desire to undertake a great war is ever kept back for want of money. Lord Derby, in this respect, made a prediction as mistaken as most of his political conclusions. He publicly stated, early in 1877, that Russia could not possibly attack Turkey because her finances were in such a bad condition. Well, Sir, Russia did attack Turkey within a few weeks of that prophecy. She waged a tremendous and exhausting war with her valiant enemy and was victorious. I doubt if the credit of Russia stands much, if any, lower now than it did before that struggle of 1877. Russia has an unlimited supply of good fighting men; nor will she want for money. Iron has always conquered gold. It always will conquer gold unless the gold is defended by strong arms and courageous hearts. You can only repel a Russian invasion by being prepared and resolute. It is the strong man armed that keeps his house in safety, and not those who wait until the danger is upon them in an overwhelming torrent, before they begin to take necessary precautions. It would be a fatal blunder to meet the Russian attack on the Indus—that is, on the plains of Hindostan. For if Russian Armies were in possession of Afghanistan, the key of India, if behind "that veil of mountains" Russia could mature her plans of invasion at leisure and in secrecy, it would be open to her to select her own time for pouring her armies by different outlets upon your immense and ill-defended Frontier. A single battle there would settle, as it has often settled before, the fate of India. It is an axiom of good generalship to keep

your enemy as far as possible away from your central resources—from the heart and strength of your power. Once let him penetrate within your inner lines, and immediate collapse may follow from a vital blow. This was the case with France in 1870. So soon as the Germans penetrated her Frontier line of fortresses around Metz, all resistance was ineffectual. War should be, if possible, conducted in your enemy's country rather than in your own. It spares your own people great ravages and suffering. If you had such a splendid position as Candahar, you would paralyze any attempt to attack you by any other route. You could then await your enemy with confidence in a fortress of great strength, abounding in every kind of natural resource. With the railway to Candahar, British troops could be placed within its ramparts within four weeks of their leaving your shores. Not a man or gun need be moved from Hindostan itself. All the garrisons of that country could be retained to meet the emergency of internal trouble. It is by no means improbable that if you waited to meet the Russians on the Indus, the most serious difficulty you would have to deal with would not be their bayonets in your front, but an alarmed and discontented population in your rear. Well and honourably as India is governed, it would be folly to shut our eyes to the fact that there are large sections of the population jealous of our rule. There are fanatical feelings towards the alien race, and ambitious Princes jealous of our ascendancy. There are proud races discontented at having their right of tyranny over their less warlike neighbours taken from them by the equity of British rule. There are Princes whose right to make war, to plunder and annex, has been curtailed since they were compelled to bow before the flag of England. How artfully, and with what success Russia would work upon the jealousy, ambition, and smouldering discontent of the Natives of India, those who know her history will be at no loss to realize. Russia would choose her own time for her great and final blow. It might well be such a one as the present, when our scanty Army has its hands full with a revolt in a distant Colony and with revolution and anarchy at home. Meet her onslaught at Candahar, and even if the most improbable contingency of your

being driven out of that fortress occurred, there are dozens of positions among the defiles between Candahar and India which a few men can make good against an army. Sir, there are two facts in connection with the Russian system of conquest which deserve special notice. They constitute the great difference between her conquests and those of England. Every race, every district which Russia acquires is immediately subjected to a rigid conscription. Her fighting material is thus constantly increased. Each fresh acquisition is thus made a stepping-stone for a further conquest. In the late Russo-Turkish War, it was her auxiliary and subject races that bore the brunt, at least of the earlier stages of the contest. It was after the Poles, the Finns, and the Cossacks had been decimated that the Imperial Guard was brought up to finish the war. In Asia Minor it was the Grenadiers of the Caucasus that stormed Kars, and Georgian and Circassian regiments that did most of the fighting. In a few years the most determined of Russia's opponents will learn to fight under her banners. Those same Daghestani mountaineers, who, under Schamyl, waged a struggle to the death for 12 years before they succumbed, are now her choicest troops. It is with them that Skobelev has just annihilated the Turcomans of Akhal. Therefore, it is of serious moment to us whenever Russia adds fresh strength to her already enormous forces. She is conquering the finest races of Asia. With our scanty Army and declining military spirit this cannot be a matter of indifference to us. It has been said that these conquests weaken the Russian power. It may be true that her internal condition, honeycombed as it is with revolution and discontent, is very bad; but her military strength is not less—it is considerably greater than it has ever been before. The second point is the system of colonization that Russia adopts with regard to every new and unsettled country. Colonies of Native Russians or Cossacks are planted among the conquered population. These live side by side with them, and hold their land on tenure of military service, like the old Roman Border Colonists, from whose tenure originated the feudal system. They are thus able and ready to suppress the first beginning of revolt. In the Caucasus these Military Colonies are frequent. Some of the Circassian

mountaineers have actually been transported 1,000 miles from their homes to make room for their oppressors. So now the recently subjugated country of the Turcomans is being effectually colonized with Cossack settlements. Now, Sir, I come to the latest advance of Russia towards India, and the most serious of all. In my humble judgment, the fall of Geok Tepé was the gravest event for British interests that has taken place in Asia since the Indian Mutiny. Russia has at one stroke advanced her outposts nearly 400 miles nearer to our Empire in Hindostan; she has subdued a gallant people, and acquired a very rich and valuable territory. Before considering the annexation of the Turcoman country further, I wish to bring under the notice of the House the horrible, the atrocious cruelty with which this last conquest, like so many others, has been effected. The conduct of General Skobelev closely resembles that of his predecessor, General Lomakin, in the expedition of 1879. Within the badly-constructed clay walls of the great *aoul* or village of Geok Tepé were collected most of the families, as well as the fighting-men, of the Akhal Turcomans. Upon this vast assemblage of some 50,000 souls, men, women, and children, the Russian General rained continuously for three weeks, heavy shot, mitraille, and bullets. He surrounded the encampment with his Cavalry and Artillery (70 cannon), and prevented any attempt at escape on the part of these wretched beings. When Geok Tepé was taken by assault, aided by dynamite mines, General Skobelev, in his official Report, states that 4,000 unburied bodies were found within the walls. The number of Turcomans who perished in their most gallant defence is estimated, at the very least, at 12,000 persons. So much for the humanity of a Russian General who bombards an inhabited encampment even of Turcomans, and refuses to allow the women and children to escape. But what followed? I will describe it in the words of General Skobelev himself. When the survivors, abandoning the struggle, fled from this scene of death, he let loose upon them his Cavalry and Horse Artillery.

"For 17 versts our soldiers pursued and slaughtered the fugitives; 8,000 of both sexes were hacked to pieces by our pursuing troops."

Was a more fearful, more heartrending scene ever pictured by the imagination?

These wretched people, encumbered with their families, fled across the level plain without protection or shelter. Grape shot and rifle bullets were poured through their dense masses, while the sabres and lances of the Cavalry did their work upon the defenceless fugitives, and the bayonets of the Infantry despatched the wounded and exhausted who could no longer fly. Let me briefly quote the account of what General Lomakin did in 1879. General Lomakin wrote as follows in his official Report to the Russian Government:—

"During six hours our 12 cannon kept up a continued fire on the fortified village settlement, where were collected nearly all the population of Akhal, including women and children, more than 20,000 persons. The effect of our artillery was terrible. The Turcoman prisoners say that several thousands of their people were killed."

The Correspondent of *The Golos*, the principal Russian newspaper, thus describes the scene—

"At 4 o'clock the women and children streamed out of the *aoul* by two roads with pack-camels, in the hope of passing through and escaping. Picturesque was the sight. The long line of pack-camels, surrounded by women clad in variegated garments, and half-naked children with cries and noise and tears, winding in the direction of the mountains. To the feet of our troopers the beautiful, swarthy Tekke women on their knees, threw themselves, holding forth in their hands sucking babes, and imploring in an unknown tongue to have mercy on them. All of them by command of the Chief of the Staff were turned back to the *aoul*. Affecting were these scenes; but war will always remain war."

[Mr. CAINE: Hear, hear!] The hon. Member for Scarborough (Mr. Caine) cheers the last sentence. Such barbarity is not war. It may be the warfare of an Attila or Zenghis Khan. It is not the warfare of modern times or of civilized nations. If the hon. Member for Scarborough thinks that it is, let me recommend him to re-read his history. Such atrocious deeds are a disgrace, an ineffaceable disgrace, not only to the cruel generals and soldiers who perpetrate them, but to the Government and Monarch under whose rule they are permitted and encouraged; aye, and to civilization itself. For it is under the pretence of civilization that such foul barbarity has too often of late been committed. I trust, Sir, we shall hear no more of the civilizing mission of Russia, even from the right hon. Gentleman himself, who has been so often her apologist. [Mr. GLADSTONE: No,

no!] Well, Sir, I will not now detain the House by trying to disprove the disclaimer of the Prime Minister. I regret to say that I cannot accept that disclaimer, recollecting, as I do, expressions with regard to "the knightly crusade," "the sisterly mission," "the civilizing labour" of Russia; recollecting, above all, how actively the right hon. Gentleman worked on her behalf when he was in Opposition. These are no exceptional acts of cruelty on the part of Russian commanders. This is the usual way in which Russian warfare is conducted. General Kaufmann treated the Yomud Turcomans with equal cruelty in 1875. I could even parallel these massacres from a hundred similar and worse cases in Bulgaria and Roumelia during the late devastating war. At Hermanli this same Skobelev, able general and agreeable companion that he is, drove with his Cossacks and Artillery 80,000 helpless refugees, most of them women and children, through a deep river and a narrow gorge, and finally into the bleak hills of the Rhodope, where most of them perished amid the frost and snow of a severe winter. What, Sir, is this Turcoman region which Russia has just annexed in spite of her promises? It will be remembered what an effect the assurances of the hon. Gentleman the Under Secretary of State for Foreign Affairs had upon the House during the Candahar debate. He told the House in the most formal manner that the new Czar had recalled Skobelev, and that Russia would withdraw from her recent conquests. Sir, I cannot suppose that the hon. Gentleman, a responsible Minister of the Crown, would have made such a statement had he not possessed what he believed to be ample grounds for making it. I cannot believe that he would make a statement which was intended to influence, and which did influence, a critical debate on a great subject without having received some direct assurance, in the sense he quoted, from the accredited Agents of Russia. What has happened? General Skobelev was not recalled. Within a very few weeks of the Under Secretary's solemn statement there appeared an Imperial Ukase incorporating the whole country of the Akhal Turcomans, and much beyond it, in the Russian Empire. Even that was not enough. Within the past month we learn that the whole of the

Attrek Valley and a region extending close up to Meehed, and including some of the most fertile portions of Khorassan, are also annexed. Time was when the hon. Baronet (Sir Charles W. Dilke) was not the humble and ever ready apologist and defender of Russian aggression that he always now appears to be. Time was when he took a manly and statesmanlike line upon these questions, and when he was no inconsiderable thorn in the side of the Prime Minister's "masterly inactivity." In 1871, during the debates on the Czar's arbitrary abrogation of the Black Sea Clause, the hon. Baronet denounced in no measured terms the weakness and incapacity of the Government of the right hon. Gentleman. What legerdemain has worked the painful change that we see? Is it the thralldom of Office? Is it some other reason? or is it the spell of national humiliation which the right hon. Gentleman (Mr. Gladstone) seems to cast over all those with whom he is brought into contact. The hon. Gentleman made a statement in 1871 which I should like to repeat to the House, so sound and admirable as it is itself, and so unlike the uncertain and unsatisfactory utterances which we have been getting accustomed to expect of late from the Under Secretary. It related to the shuffling and pusillanimity shown by Ministers over the Black Sea Clause.

"It is none of the fault of England; but comes of the timidity of her statesmen, and the weakness of her rulers. It is said that the policy of the Government has been a peace policy. I do not think that it has been either a peace policy or a safe policy. It may be a policy for a time cheap—although your Estimates do not show it; but it is not a truly pacific policy, if it is neither calculated to maintain the present dignity of this country, nor the security of any in the future."—[3 *Hansard*, ccv. 915-16.]

Admirable words! The policy of Her Majesty's Government is, indeed, not a peace policy; it is not a safe policy. It is not cheap. It is a peace-at-any-price policy, a policy of humiliation and surrender—a policy which suggests aggression and invites attack. It is a policy which leads you to spend millions of money and thousands of lives in the near future that you may save some trifling expenditure and some little effort at present. It is a policy which allows threatening evils to accumulate until it is impossible to cope with them without the most desperate sacrifices. It is the policy which drifted England into that

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unnecessary and costly struggle of the Crimea, which by a little firmness and statesmanship could have been so easily avoided. This is known by nobody better than by the Chancellor of the Duchy of Lancaster. Would that the hon. Baronet (Sir Charles W. Dilke) retained a little of the patriotic watchfulness and forethought which he displayed 10 years ago. The moment that we abandoned Oandahar and that the present Government showed that they really meant to go backwards and close their eyes to evident perils, then the Russian Government took heart of grace, and decided that it might venture to annex whatever it fancied. This Turcoman region is a splendid acquisition. The country is rich and prosperous, especially that portion which lies South of the Kopet Dagh range, the water-shed of Khorassan, and the proper boundary of Persia. Every traveller who has visited this country has borne evidence to the fertility of the soil and the physique and courage of the people. I will only quote one extract from a good authority, at least one which hon. Members opposite will not dispute. General Petroosevitch, the Russian explorer, writes that besides cultivating juwarree or maize, they grow barley, rear enormous crops of melons, and manufacture embroidered carpets and cloths having no equal in Asia. In one of his rides along the Akhal Frontier in 1878, he caught a glimpse from the crest of the Kopet Dagh of the Tekke country near Askabad. He says—

“Before me stretched a broad zone of gardens including settlements and containing, according to those who had been there, any quantity of peach-trees, nut-trees, and grape-vines. Walnut trees and vines I myself saw in the neighbouring valleys. Consequently, if the Akhal Tekke settlements, exposed to the North wind, enjoy such a propitious climate, how much more so must the valleys further to the South, sheltered by mountain ridges?”

The valleys the Russian traveller refers to are the valleys of North Khorassan, where sheep lamb twice a year, and the people never know what it is to have a bad harvest. These valleys have already been annexed by Russia. Khorassan, up to and including Herat, was for several centuries the granary of Central Asia. This is really the first valuable country the Russians have yet conquered in Asia. It brings them South of the Desert, which is their natural boundary in Asia, and which should be

the barrier between England and Russia. It gives them a fresh base close at our gates, from which they can prosecute their further advance with every advantage of position and resources. They will no longer have long and difficult marches to make, or dangerous opposition to overcome on the road to India. Their railway will soon be able to convey any number of troops from the Caspian to Herat. The Russian Army of the Caucasus is over 100,000 men. It can readily be trebled, and one half despatched to annoy, if not to invade, one of our Indian Possessions. The Russian head-quarters are now barely 100 miles from Meshed, the capital of Khorassan, and second town in Persia. They are less than 300 miles from Herat, “the outer gate of India.” From the Caspian to their new outposts, a distance of over 400 miles, has thus been bridged by one campaign. The integrity of Persia is violated, and the Shah seems to have become a mere instrument in his great neighbour's hand. The most serious fact connected with this advance is the railway which the Russians, with real statesmanship, are bringing forward from the Caspian to Herat. Already, half of the distance to Meshed is laid down; soon one-half of the remainder will be completed. The same Correspondent, whom I have already quoted, gives a most interesting description of its progress and value, written in April last—

“The railroad no longer encounters the least obstacle. It is an immense green billiard-cloth of turf, upon which the sleepers and rails can be placed without need of spade or pick. By next June (1881) the railway will certainly be completed to Bami—i.e., 264 verst (180 to 190 miles). . . . This line, which, such as it is, has so efficaciously served General Skobeleff, will, after June, have a fresh destination. It will then serve, not only to throw into Central Asia as many troops as the Russian Government may desire, but it will serve equally for the transport of merchandise coming from Herat, from Meshed, from Bokhara, and from Samarcand. General Annenkoff is busy in appointing special agents to most of these places, who will direct all their caravans to concentrate at Bami. Let people in England be under no illusion that this line, so excellently constructed, and upon which I have already travelled 35 verst an hour, can arrest itself at Bami. Once at Bami, a Ukase will direct its prolongation to Askabad, if not immediately to Herat. They may move gently (*doucement*) at St. Petersburg, and dole out their orders by doses of 20 or 50 verst; but it will not be surprising if they make 500.”

According to this well-informed gentleman, there is not the slightest obstacle

between the Russian troops and Herat. The ground is level and well watered. "They have but to march some 300 miles, and say '*J'y suis*.'" The efforts, and successful ones, which Russia is making to secure the trade of all these regions are not the least suggestive to us. Will it be believed that a British Ministry deliberately threw away such a rare opportunity of extending British trade and political influence as was offered by the railway to Candahar? It seems incredible; yet this was done only four months ago, and we are now reaping the evil fruits. There now remain only the Tekkes of Merv and a few minor tribes independent. These cannot long retain their liberty. Gallant they are; but no untrained and ill-armed race, be it as brave as Hercules, can long stand against breech-loaders. General Kaufmann, from the Oxus, and Skobeleff or his successor, from the Tejend, will join hands at Merv, and the whole of this magnificent people of the Turcomans will become Russian subjects. You will then find, too late, what you have lost in allowing such a valuable barrier between your possessions and the Armies of Russia to be beaten down, and not only beaten down, but to be added to the strength of your enemies. The physique of these Turcoman horsemen is unequalled. Their courage is proved by Geok Tepé, when they lost over half their numbers in defence of their liberty. They will make a far finer cavalry than the Cossacks, say Sir Henry Rawlinson, General Baker, Colonel McGregor, and Professor Vambéry. Their breed of horses is matchless, both for speed and endurance. A Turcoman rider will go, for five or six days, 100 miles a-day, on the same horse. It is no wonder that the Russian generals are anxious to conquer, and turn this splendid race into auxiliaries of the Czar. They might, by a very little management and support, be turned into our allies, and fight our battles for us for many years. Instead of this, we shall only too probably have to meet them as enemies upon the Indus. For her advance upon Herat, and thence upon India, there are now three roads open to the Russian Armies. One along the Tejend by Sarakhs, the second through Kuchan and Meshed, and the third West and South of Meshed, avoiding Herat, and striking the main road to Candahar at Farah. That there is

no difficulty in marching from Herat to Candahar, Ayoub Khan's advance over the very ground twice within 12 months shows its facility. We have, Sir, a great dominion and a great charge at stake. On the highest ground, we have to guard the safety and interests of 250,000,000 of an alien population in India. However short our rule there may fall of the standard of absolute perfection, no one can deny that England has done much for that wonderful Dependency. It is no empty boast to say that the people of India have never, in their long history, enjoyed such benefits of government as England has conferred upon them. These growing myriads, alien to us and to each other in origin, in creed, in feeling, and in interests, enjoy to an extent, for them unequalled, the blessings of order, of law, of peace, and education, and all that makes a people prosperous and happy. It is our duty to preserve this vast population from the blighting domination of Russia. Nor are the benefits to England herself inconsiderable. The trade with India is worth £100,000,000 every year to this country. The number of your surplus population to whom India gives beneficial occupation, is close upon 250,000,000. She buys your manufactures, and sends you in return her products. More than this, upon the possession of India depends all the carrying trade with the East, with China, Japan, the Islands of the Archipelago, with Arabia and the Persian Gulf. No Englishman can wish to see this mine of wealth for England handed over to the most backward of European Governments, a Government that shuts British products out by protective tariffs. I have ventured to remind the House of these reciprocal advantages to India and to England from our connection with that country. They may be of service to those who would cry "Perish India!" or who could hear that cry unmoved. I have to thank the House for the kind and patient hearing it has granted me. I regret that I could not have dealt with a subject so extensive and important in a shorter compass. The interests and honour of the most noble fabric of Empire that human genius and enterprize have ever erected are at stake. I am very sensible of the inadequacy of my statements. I would only urge upon the Government to be forewarned and forearmed in time to

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meet the danger while it is still a small cloud upon the horizon, and, before it has swollen and covered the whole sky, to take that "stitch in time which saves nine" in political as well as in domestic relations. Let them retrace their mistakes. Let Candahar be held as an impregnable bulwark of our power, and let the Russians be courteously but firmly informed that they will not be allowed to annex the Turcoman people. England cannot afford to lose the high repute she has hitherto held in the East. I never thought, Sir, that I should hear, as I did in this House a few days ago, the reputation of England spoken of as "that miserable thing called prestige." Sir, what else is prestige but the character, the moral status, the reputation of a people among the nations? It behoves no State to guard its prestige so vigilantly and resolutely as England. Her "thin red line" can do a great deal, but it must have the prestige of old at its back. It is not by your bayonets, your rifles, or your cannon; it is not by your handful of soldiers among myriads of an alien population that the supremacy of England is secured. No, Sir; it is by the belief, hitherto unimpaired among your subjects in India, that the courage of Englishmen is invincible, that the word of England once pledged is never broken; that the foes of your power never gaze upon the backs of your soldiers in permanent retreat; that although you might be beaten once, or twice, or thrice, yet you would return to the struggle with quenchless resolution. These were the great qualities by which Englishmen of the past built up and consolidated the Empire you enjoy. It is by maintaining your reputation for courage, for statesmanship, for unflinching tenacity of purpose that you can alone maintain it.

Mrs GEORGE CAMPBELL said, he did not hear any proof from the hon. Member that the annexation of the country of the Akhal Turcomans was a violation of any promises made to us. He considered that the hon. Member had been alarming himself unnecessarily. By many persons the importance of Merv had been ridiculously over-estimated; but they had forgotten that Merv was not on the road to India. Candahar was on the road to India, he admitted; but he did not see why there should be so much outcry about it. The

late Lord Beaconsfield; while a Member of that House, described in the darkest colours the atrocious character of these Turcomans. They were a set of robbers who had damaged Russia, and had always been a terrible scourge to Persia. It was not for us to complain when Russia, in her own interests, had been forced to make an advance against those enemies of the human race. This advance of Russia was having a civilizing influence in Central Asia; and, even were we so misguided as to seek to stop her advance, we had not the power. He hoped, therefore, the Government, by fair diplomacy, would come to a fair understanding with Russia.

THE MARQUESS OF HARTINGTON: Sir, I find it difficult to deal with the somewhat extensive speech of the hon. Member for Eye (Mr. Ashmead-Bartlett). The hon. Member has evidently given his attention to this question, and has collected a great deal of information on it. I should be sorry if he or the House supposed that I mean to treat him with disrespect in saying that I will not attempt to follow him through the whole of that speech. But I should find considerable difficulty in doing so, because I am utterly unable to ascertain what was the exact point to which he wished to direct the attention of the House. As the hon. Member for Kirkcaldy (Sir George Campbell) said, there was not a word in the speech of the hon. Member to prove the proposition that Russia's annexation of the Akhal Tekke territory was a violation of her promise to this country. Neither has he said a word as to the second proposition in the Motion he had intended to make, that the annexation of the Akhal Tekke territory has been encouraged by the unfortunate evacuation of Candahar. I think the hon. Member was well advised in avoiding that subject, for he would have found it difficult to prove that operations which had been going on for a year before our evacuation of Candahar were encouraged by that evacuation. There is no connection whatever between our occupation of, or advance from, Afghanistan, and the Russian occupation of the Akhal Tekke territory. Does the hon. Member mean to say that if we had resolved to remain in Candahar Russia would have been prepared to abandon the results of her campaigns, and to have retired from the Akhal Tekke

territory? [Mr. ASHMEAD-BARTLETT was understood to observe that the Under Secretary of State said so.] The Under Secretary of State said nothing of the kind. I do not think it ever entered the head of any reasonable person that such a result would follow. As far as I could gather from the hon. Member's speech, his sole object was to discuss again a subject which was fully discussed months ago—namely, our evacuation of Candahar, which evacuation was approved by a large majority of this House. I do not think it necessary that I should follow the hon. Member into another discussion of that subject. The only matter which I think it may be necessary for me to advert to for one moment is his endeavour to prove that our retirement from Candahar has led to the victory of Ayooob Khan, and that that victory is a condemnation of the policy of Her Majesty's Government. The Government and the House also, I think, were perfectly aware that the success of Ayooob Khan against Abdurrahman Khan was perfectly possible, and even probable. We have never pledged ourselves or our policy to the success or to the ability of Abdurrahman Khan to overcome his rival. On the contrary, I remember perfectly well that in the observations that I made to the House in the debate, I stated distinctly that the question of his supremacy in Afghanistan could never be decided until there had been an appeal to arms, and that it was impossible to foretell what the result of that appeal would be. No doubt, we have given some support to Abdurrahman Khan; but, if so, we have done nothing more than to discharge what we considered to be a debt to the people of Afghanistan, rather than an act in our own interests. We have, undoubtedly, inflicted a very great injury and mischief on Afghanistan. We have destroyed whatever existed there in the form of government, and we have replaced it in the state of anarchy in which it was before Shere Ali succeeded to the Throne. That may have been necessary or it may not; but, no doubt, great injury was thereby done to the people of Afghanistan. We decided that it was not necessary in the interest of England that we should permanently occupy and undertake the administration of Afghanistan. Having decided to retire from that country, we considered that it was our duty to its

people to give them, at all events, a chance of re-establishing for themselves settled government. Whether we selected the best candidate or not, what was done was done not so much in our own interests as in discharge of a debt to the people of Afghanistan, and to give them the opportunity of restoring, if they thought fit, a settled Government, such as existed before we destroyed it. The hon. Member has informed us that Russia can have no object in conquering these vast and sterile regions, unless it is with the view of invading India. At other times he informed us that she had acquired by those conquests fertile districts and the control of useful, warlike, and also industrial populations. He told us that he had had the privilege of conversing with General Skobelev and hundreds of Russian officers, who, with wonderful unanimity, had avowed their intention of invading and conquering India, and that Indian Sepoys are quite unable to cope with the Russian soldiers. I wish when he made that assertion that somebody on the Bench opposite had explained how, under those circumstances, it entered into the mind of the late Government to bring Indian Sepoys from India for the purpose of defeating Russian soldiers in Europe. The hon. Member told us that the danger which now threatened India from the advance of Russia is only to be compared to a small cloud; but that soon we shall see Russia commanding the services of 8,000,000 men. He did not inform us by what process the Russian Army of 500,000 men is to be increased to the extent of 8,000,000. He indulged in an eloquent denunciation of the cruelties practised by Russia in the conquest of the Turcomans. It is no business of mine to defend Russia, and, no doubt, those campaigns may have been accompanied by some cruelties. But when the hon. Gentleman denounced Russia in such warm terms he ought to have adduced stronger proofs than he did of the facts that those cruelties were committed. All that he brought forward was the report that a Russian General had bombarded a fortified place, which not only contained soldiers, but the families of soldiers. I do not conceive that it is possible, if women and children and property are placed within a fortified inclosure, to avoid the bombardment of such a fortified position consistently with the necessities of war.

The Marquess of Hartington

The hon. Member only quoted the Correspondent of a newspaper, and gave no official authority for the allegation he made in that respect. He had spoken of the annexation of the Akhal Tekke country as a menace and a danger to India. Differing altogether as I do from the views of the hon. Member and those who agree with him as to the security of our position in India, I cannot admit his contention in this respect. But if it is any satisfaction to him, I have not the smallest hesitation in saying with perfect plainness that I do not think the annexation by Russia of the Akhal Tekke country is a matter of indifference to us. I will not enter into the discussion of the question whether that annexation was consistent or inconsistent with the pledges given by Russia to this country. I think that a good deal may be said on both sides of that question; but it has not been entered upon by the hon. Member, and I do not wish to enter upon it now. We are not concerned in the independence of the Akhal Tribes. But the recent advances and conquests of Russia have, no doubt, had consequences which do affect us in two points very nearly. The extension of Russian territory along the Northern Border of Persia raises a question of the integrity of Persia which cannot be indifferent to us, and the near approach of Russia to the borders of Afghanistan is not a matter of indifference to us. The present Government have admitted as plainly as any other that the integrity and independence of Afghanistan is a matter to them of vital importance, and that they do not intend to permit interference by any foreign Power with the internal or external affairs of Afghanistan. If Afghanistan were under a settled form of government it might be indifferent to us whether Russia or any other country extended to the very borders of Afghanistan. But that is not the case of Afghanistan. It has not, and perhaps it never may have, what we recognize as a settled form of government. There could be no doubt that, if Russia advanced towards the borders of Afghanistan, a state of things might ensue which would not be of advantage to the good relations between this country and Russia. Such an advance, therefore, could not be a subject of indifference to Her Majesty's Government, and I have no objection to state

that what has taken place in Central Asia is receiving the consideration of the Government. But what does the hon. Member ask us to do? I have listened to his speech, and I confess I failed to ascertain the conclusion at which he arrived. The hon. Member, indeed, said there was some connection between our leaving Candahar and the advance of Russia; but, so far from that being so, it is my opinion, and it is the opinion of many persons—military men and others of high authority in India—that our continued retention of Candahar would have been in itself a sufficient reason for the advance of Russia.

MR. ASHMEAD-BARTLETT said, he wished to explain that what he had said was that it was the general policy of retreat which had been adopted which encouraged the advance of Russia. He had not said that none of the Sepoys were a match for the Russian troops. What he did say was that most of them were not.

MR. ONSLOW expressed his thanks to the noble Lord for the re-assuring speech he had made. For his part, he did not look at the question from a political point of view. The noble Lord said that the Government had always shown Russia that the independence of Afghanistan could not be a matter of indifference to them. The present position of that country was most serious, for if it fell under the rule of Ayoo Khan it would be governed by an enemy of ours and a friend to Russia. Her Majesty's Government could not, therefore, too plainly give Russia to understand that there should be no interference on her part with Afghanistan.

MR. O'DONNELL said, that the noble Marquess had stated the broad outlines of the policy of the Government, and it was satisfactory to have to deal with a Member of the Government who did not take shelter under evasions. For his part, he would not regret seeing Ayoo Khan Ruler of Afghanistan. It was true he hated England, and not without cause; but if he kept England out of Afghanistan on one side he might be relied on to keep Russia out on the other. He thought the real danger of the matter was that Russia was advancing near enough to India to be within striking or, at any rate, agitating distance; and in the latter case her action would be sufficient to compel this

country to send to India a force which would have a tendency to cripple her power in Europe.

LORD FREDERICK CAVENDISH asked leave to withdraw the Motion for going into Committee of Supply.

Motion, by leave, *withdrawn*.

Committee *deferred till To-morrow*.

REGULATION OF THE FORCES BILL.

(*Mr. Secretary Childers, The Judge Advocate General, Mr. Campbell-Bannerman.*)

[BILL 193.] COMMITTEE.

Order for Committee read.

MR. CHILDERS: I beg to move, Sir, that you do now leave the Chair. I should not have done more than make that Motion if it had not been for the Notice given by the hon. and gallant Member opposite (Colonel Alexander), in the early part of the evening, of his intention to oppose the Motion for going into Committee. I have not the slightest idea what the motive of the hon. and gallant Gentleman is in taking that course. The Bill is a very simple one, and it has been in print for some time. It contains certainly two important clauses—one to enable the Chelsea Commissioners to grant certain pensions, in regard to which I have been interrogated several times in the course of the present Session; and the other to enable the Crown to increase the Reserve by allowing men, after their 12 years' engagement, to volunteer for four years more into a second Reserve. All the rest of the Bill relates to matters of detail in connection with the Scheme approved this Session, or improving the provisions of the Army Discipline and Regulation Act. I hope, therefore, that the hon. and gallant Gentleman will not persist in his opposition to the measure at this stage, believing, as I do, that when the House goes into Committee, I shall be able to prove that there is no real ground of objection to any of the proposals contained in it. I promise him that when we come to any clause he objects to, I will explain the purpose of it as fully and as candidly as I can. I hope he will allow the House to go into Committee.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr Childers.*)

Mr. O'Donnell

COLONEL ALEXANDER said, it was with considerable surprise that he had first perused the provisions of the Bill now before the House. When, two years ago, after labours only exceeded by those of the present year, the House at last succeeded in passing the Army Regulation Act, it was imagined that their labours had terminated for ever. They were doomed to find, however, that like those of Sisyphus they were eternal. The right hon. Gentleman the Secretary of State for War had placed in their hands a Bill which really consisted of three parts and 53 clauses. The contemplation of the prospect before them was eminently discouraging; and he looked back with regret to the halcyon days when they were able to pass 100 clauses of the Mutiny Act in the course of a single Sitting. Two years ago it was proposed to substitute for the Mutiny Act a consolidated Code of Army Regulations, and it was imagined that that Code contained, at least, the element of permanence. They relied upon the judgment of Sir Henry Thring, the eminent draftsman, for rendering the provisions of the Act perfect; and they were told that it was impossible for the ingenuity of man to contemplate a crime which would not be dealt with and punished by the Act of 1879. Yet, notwithstanding that declaration by so eminent a draftsman, he found that the Bill now before the House contained many additions to, and alterations of, the Act of 1879; and some of them, in comparison with the provisions of the Act of 1879, were distinctly disadvantageous to the British soldier. At the request of the right hon. Gentleman the Secretary of State for War he would withdraw his opposition to the Motion for going into Committee; but when the Bill went into Committee he should propose certain alterations in some of the clauses, which he hoped would meet with the assent of the right hon. Gentleman, and with that of hon. Members on both sides of the House. Before he sat down he wished briefly to make good his assertion that where the Bill erred it erred on the side of excessive severity. He would take, for instance, the important clause which dealt with the composition of a general court martial. This was an important court, because, with the exception of what was known as a field general court martial, an ordinary general

court martial was the only court which had power to sentence a prisoner to death or penal servitude. In the English Army, following the customs of the Swedish, Dutch, and German Armies, the general court martial originally consisted of 13 members; but in the Army of James II., by the Articles of War, the court was made to consist, according to the French practice, of not less than seven members. From the passing, however, of the first Mutiny Act of 1689, in the Reign of William III., down to so recent a period as 1868, the minimum number of members of a general court martial in the United Kingdom was fixed at 13. In 1868 an important alteration was made and the minimum number of members composing a general court martial was fixed in the United Kingdom and the East Indies, Malta and Gibraltar, at nine; for Bermuda and Nova Scotia, at seven; and in any other Colony or place out of the Queen's Dominions, at five. An important provision was also added that no sentence of death in any circumstances should be passed, except with the concurrence of two-thirds of the members composing the court. In the Act of 1879 the minimum of nine members was continued for a general court martial, except when, in the opinion of the officer convening the court, that number in the interests of the Public Service was not available, in which case the general court martial was to consist of not less than five members. But now, what did they find in the present Bill? The word "nine" had no place in it at all, and it was simply provided that the general court martial should consist of not less than five members. Perhaps the right hon. Gentleman would ask him to read to the end of the sub-section, and would point to the provisions which forbade any officer below the rank of captain from sitting as a member of a general court martial; but he had yet to learn that a prisoner would derive any consolation from being sentenced to death by a captain instead of a lieutenant. The right hon. Gentleman also said that five was the minimum number of members composing the court, and that, as a general rule, the number of members composing the court would exceed that minimum. That was quite true; but he had had considerable experience in acting as Deputy Judge Advo-

cate before general courts martial, and he could remember more than one case in which the actual number of members composing the court was, through sickness and through other causes, reduced to a minimum. That was not very material in the days when 13 formed the court; but they were now making a very small minimum number of officers as the composition of a general court martial. In point of fact, they were fixing the composition of a general court martial, which would have power of life and death, at precisely the same number as that which, only two years ago, they fixed for the inferior tribunal of a regimental court martial, whose powers were limited to sentencing a prisoner to 42 days' imprisonment with hard labour. He also found that they were going to allow four members out of five composing the court to pass a sentence of death, and three out of five to pass a sentence of penal servitude. Then, again, he found that, by Clause 48 of the Bill, the Governor of a Colony or the officer commanding the troops out of the Queen's Dominions was authorized to declare from time to time that it was necessary, either in consequence of the imminence of active service or in consequence of the recent existence of active service, that the troops under his command should be subject to the Act of 1879 precisely as if they were upon active service. In other words, it was provided that a soldier should be liable to suffer the penalty of death for offences which, in ordinary times, would only have been visited by a few months' imprisonment. That was one of the results of the total abolition of corporal punishment, and that was not the last time that they would have to deplore the consequence of yielding as they did in 1879, just previous to a General Election, to the popular clamour for the abolition of corporal punishment. He had never been an advocate of excessive corporal punishment; and it would be remembered that, on a certain memorable occasion, he advised his right hon. and gallant Friend (Colonel Stanley), the then Secretary of State for War, to mitigate the severity of the punishment, and his right hon. and gallant Friend was pleased at the time to say that he would act on his (Colonel Alexander's) advice, and that he would reduce the punishment from 50 to 25 lashes. But he did

protest against the spurious humanity which strained at the gnat of corporal punishment and swallowed without compunction the camel of capital punishment.

Mr. OSBORNE MORGAN said, he was glad to see that it was not intended to re-open the question of corporal punishment. The Act of 1879 was necessarily only a tentative Act; and, in consequence of the time occupied in the discussion of the question of corporal punishment, many parts of the Bill were passed without the consideration and discussion which their importance required. It had been found, since the Act came into operation, that there were certain defects and omissions in it which tended to produce a miscarriage of justice. No one knew that better than himself, as he had been charged with the administration of the Act of 1879. The object of the present Bill was simply to remedy those defects and omissions; and he would call the attention of the House to one of them which had already been referred to by the hon. and gallant Member for South Ayrshire (Colonel Alexander)—namely, the composition of general courts martial. The Act of 1879 prescribed a certain minimum number of officers both for district and general courts martial, and then allowed that minimum to be reduced by the general officer who convened a court of inquiry, where the larger number were not, having due regard to the Public Service, available; but the fact had to be stated in the order convening the court. The proceedings of several courts martial had been rendered invalid in consequence of the later requirement not having been properly complied with. The object of the Bill was to reduce the minimum number of officers composing the court, and to make the number uniform in every case; but, on the other hand, it was proposed to raise the standing of the officers composing the court. The alteration was a most desirable one, and he hoped the hon. and gallant Member would not persist in his objection to it. He could assure his hon. and gallant Friend that as soon as they got into Committee the Government would be happy to offer every explanation in their power. It was hardly necessary to remind his hon. and gallant Friend that at that period of the Session it would be quite impossible to pass the Bill at all

Colonel Alexander

unless the House was disposed to accept the guarantee of the Government that the changes proposed would be advantageous to the interests of the Army.

Mr. O'DONNELL said, he understood that the objection of the hon. and gallant Member for South Ayrshire (Colonel Alexander) was to the very small majority of a very small court by which important sentences—such as death and penal servitude—could be passed under the Bill as it stood. He hoped the question was one on which the Government were open to persuasion, because, of course, although the argument was very strong that at that time of the Session they could not afford to devote to the measure a very scrutinizing spirit, still it was desirable that some consideration should be given to points of this kind.

Mr. CHILDERS did not understand that the point raised by the hon. Member for Dungarvan (Mr. O'Donnell) was one of those which had been raised by the hon. and gallant Member for South Ayrshire (Colonel Alexander).

Question put, and *agreed to*.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 5, inclusive, *agreed to*.

Clause 6 (Punishment of fraudulent enlistment of militiaman).

Mr. CHILDERS said, he had a verbal Amendment to move in line 21—namely, to substitute the words "punishable for" for the words "guilty of."

Amendment proposed,

In line 21, to leave out the words "guilty of," in order to insert the words "punishable for."—(*Mr. Childers.*)

Question, "That those words be there inserted," put, and *agreed to*.

Clause, as amended, *agreed to*, and *ordered* to stand part of the Bill.

Clauses 7 to 13, inclusive, *agreed to*.

Clause 14 (Removal of doubts as to pensions of army reserve men).

Mr. CHILDERS said, it would be necessary to make an addition to the clause, for the purpose of incorporating a former Act.

Amendment proposed,

In line 23, to add the words "and Sections 4, 5, and 7, of the Army Discipline and Regulation (Annual) Act of 1891."—(*Mr. Childers.*)

Question, "That those words be there added," put, and *agreed to*.

Clause, as amended, *agreed to*, and *ordered* to stand part of the Bill.

Clauses 15 to 19, inclusive, *agreed to*.

Offences in relation to Courts Martial.

Clause 20 (Amendment of s. 28 as to power of court martial over contempt).

COLONEL ALEXANDER said, he thought this clause would be found to be quite unworkable. Under the Act of 1879 a witness might be sentenced by a court martial for contempt of court to imprisonment not exceeding 21 days' hard labour. The present clause authorized the court to sentence a prisoner for using violent or threatening language to the same punishment of 21 days' imprisonment with hard labour. But the use of threatening language to the members of a court martial was one of the greatest military offences a prisoner could commit; and it had always been the practice, up to the present time, to try a prisoner so offending by general court martial. He recollected an instance, when he was himself acting as Deputy Judge Advocate, where a prisoner was tried for using abusive words. He was tried by an inferior court; and on being asked if he had any objection to make to the composition of the court, he said he objected to the whole lot, and he used most violent and threatening language. For that offence he was subsequently tried by a general court martial and sentenced to two years' imprisonment with hard labour. It was quite evident either that such a term of imprisonment was too great, or that 21 days' imprisonment for the same offence was much too little. He thought it would be much better if the right hon. Gentleman would allow the clause to be struck out altogether.

MR. OSBORNE MORGAN said, the clause simply gave power to the court by which a man was tried to sentence a prisoner who was guilty of contempt of court to 21 days' imprisonment; but, if it were considered necessary, the contempt committed having been of a serious character, there was power to convene another court. Hitherto, in every case of contempt, however slight, it had been necessary to convene a second court for the trial of the second offence. That practice had been found

to be highly inconvenient, and there had occasionally been great difficulty experienced in summoning another court. This clause, in such a case, gave power to the court against whom the contempt was committed to sentence the offender to some punishment.

COLONEL ALEXANDER wished to point out that a punishment of 21 days' imprisonment with hard labour might, in many cases, be wholly inadequate to the offence.

MR. OSBORNE MORGAN said, that, in the event of the offence being of an aggravated nature, of course another court martial would be summoned. It was only where the offence was slight that power was given by the clause to the same court to try it.

SIR WALTER B. BARTELOT thought, if the object of the clause was to amend the provisions of the Mutiny Act, power might be given to the court to award a far higher punishment than 21 days' imprisonment with hard labour. Such a punishment seemed to him to be absurd, for the grossest conduct which could be committed by a soldier when before a court martial. As a rule, when an offence of this character did take place, it was of a violent and aggravated character; and he thought the clause might be amended so as to extend the punishment inflicted without rendering it necessary to summon another court martial.

MR. CHILDERS: I will consider the point raised by the hon. and gallant Member before the Report is brought up. I must remind him, however, that it would be introducing a clause very much against the prisoner. We have thought it better to leave the Act as it stood, with the single exception of giving the same court the power of trying the case. The clause does not restrict the power of a second court martial. I think the Committee would hardly venture to allow a court martial, not specially summoned for the purpose, to inflict a heavy punishment.

MAJOR-GENERAL BURNABY thought the clause was one which was worthy of further consideration. He remembered a case where a prisoner in the Army, being tried for some trifling offence, had his cap removed from him, because he would persist in throwing it at the President or members of the court. On another occasion, a prisoner got away from the

escort and struck a member of the court. He did not think that for such offences 21 days' imprisonment was sufficient punishment; but, of course, a general court martial might be convened for the purpose of trying the second offence. He understood that the present clause was only intended to meet minor offences, when they did occur. But, unfortunately, they seldom did occur, because when a soldier lost his temper he generally went in for some gross act of insubordination.

MR. OSBORNE MORGAN said, the hon. and gallant General was quite right. It was only intended that the present clause should deal with minor offences.

Clause agreed to.

Clauses 21 and 22 agreed to.

Courts Martial.

Clause 23 (Amendment of ss. 47 & 48, 51 & 53, as to composition of courts martial).

COLONEL ALEXANDER said, he perceived that sub-section 2 of this clause reduced the number of members composing a regimental court martial from five to three. The power of the court was limited to the infliction of a punishment of 42 days' imprisonment with hard labour; but he also observed that there was, for the first time, a provision in the clause that each member of the court should have held a commission for not less than one whole year. Up to the present time the requirement had been that no officer should serve on a court martial until he had joined his regiment for six months, and that during that time he should have attended all the courts martial which were held in the regiment. That provision had been found to work irregularly, because it was not improbable that in the course of the six months no court martial would be held, and, consequently, an officer was liable to be placed on a court martial before he had had an opportunity of attending any court of the kind, or, at the most, only one or two, and when he was, consequently, altogether incapable of performing the duty he was required to perform. He quite approved of the alteration made by the clause in this respect; but he disapproved of sub-section 3, which reduced the number of members composing a general court

martial from nine to five. He therefore, move that sub-section struck out of the clause, in order to leave the number nine, as it now is in the Act of 1879.

Amendment proposed, in page leave out sub-section 3.—(*Colonel Alexander.*)

Question proposed, "That the proposed to be left out stand part Clause."

MR. OSBORNE MORGAN said Section was governed by section the Act of 1879, sub-section 2. section provided that a general martial should consist of not less than nine members; but, under the law, nine was not adhered to a minimum where the general office convened the court thought it was impossible to bring nine officers together. Having regard to the interest of the Public Service, it had often found expedient to reduce the minimum to five. Therefore, it was not correct to say that nine officers were the minimum. Nine formed the minimum in England; but abroad it was found that nine officers were available and the minimum was generally five. The present minimum, therefore, was practically five abroad and nine in England.

COLONEL ALEXANDER asked the minimum was in India?

MR. OSBORNE MORGAN said he could not answer for India. He did not see the records of Indian courts martial, but he did see them in regard to other courts martial, and as there existed at present a power to reduce the nominal minimum, he did not see objection there could be to the order of Her Majesty's Government thought the best course would be to reduce the minimum, and to provide that the number which was constantly employed should be the minimum, so as to make the proceedings uniform in all cases. On the other hand, it was proposed to raise the status of the court composing the court, so that, although the number was reduced, a private would have the advantage of being tried by officers of higher standing. In fact, the clause did not reduce the minimum below that which was found necessary in the case of general courts martial abroad.

Major-General Burnaby

COLONEL ALEXANDER said, that what he wished to point out to his right hon. Friend was that the Act of 1879 fixed nine as the minimum for all general courts martial assembled in the United Kingdom, Malta, Gibraltar, and the East Indies; seven for Bermuda and Nova Scotia; and five for any Colony or any other place out of the Queen's Dominions. He did not see how it was not possible to continue that arrangement, and why the number should not be nine in the United Kingdom as heretofore.

MR. CHILDERS: I think there is something in the objection of the hon. and gallant Gentleman, and on the Report I will consider the desirability of introducing nine as the number for the United Kingdom and the East Indies.

COLONEL ALEXANDER said, he was obliged to the right hon. Gentleman for the concession, and would not press the Amendment.

Amendment, by leave, *withdrawn*.

COLONEL ALEXANDER said, that for the same reason he proposed to amend the clause in regard to district courts martial. The clause reduced the number of officers composing a regimental court martial from five to three, and also reduced the number of a district court martial from seven to three. He would move that the number "five" be substituted for a district court martial.

Amendment proposed, in sub-section 4, line 19, to substitute "five" for "three."—(*Colonel Alexander*.)

Question proposed, "That the word 'three' stand part of the Clause."

MR. OSBORNE MORGAN said, he would introduce an Amendment on the Report, making the number uniform.

COLONEL ALEXANDER intimated that upon that understanding he would not press the Amendment.

Amendment, by leave, *withdrawn*.

Clause 23 *agreed to*.

Clauses 24 to 34, inclusive, *agreed to*.

Pay.

Clause 35 (Amendment of ss. 133 to 135 as to penal stoppages from ordinary pay).

COLONEL ALEXANDER asked for an explanation with respect to sub-section

A of this clause. The powers of commanding officers were considerably increased by the Act of 1879, and it seemed to him that this sub-section would tend to induce commanding officers to keep soldiers in confinement, thereby delaying the punishment due to their offences, which ought to be awarded as soon as possible.

MR. CHILDERS said, that would not be the effect of the clause, which was intended to correct that portion of the Act of 1879 which provided that a soldier absent without leave should forfeit his pay during his absence, and also for every day of his imprisonment and detention on the charge for which he was brought before the court martial.

MR. O'DONNELL said, he found no provision in the clause that where a commanding officer delayed to bring a soldier to punishment the soldier should not suffer for the delay caused by the misconduct of the commanding officer.

MR. OSBORNE MORGAN said, that Section 45 of the Act of 1879 provided that the soldier should be brought to trial within eight days.

COLONEL ALEXANDER said, that sub-section 3 would, in his opinion, effect a considerable improvement on the existing practice. There were amongst commanding officers different methods of calculation with regard to the days of a soldier's absence without leave; and, therefore, this portion of the clause could not but be regarded as effecting a great improvement. But, then, the next sub-section went in the opposite direction; and the Government, it would seem, took away with one hand what they had given with the other. He, therefore, begged to move its omission.

Amendment proposed,

In page 16, line 1, leave out from "or" to the end of the sub-section.—(*Colonel Alexander*.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. CHILDERS said, he trusted the Amendment would not be pressed. It had been deemed right that the commanding officer should have power to inflict heavier punishment where necessary.

Amendment, by leave, *withdrawn*.

Clause agreed to.

Clause 36 agreed to.

Exemptions of Officers and Soldiers.

Clause 37 (Exemptions from jury).

SIR WALTER B. BARTELOT said, it was a question of importance whether the Militia and Volunteers, when called out for training, should not be exempt from serving upon juries. He had known one or two cases where men belonging to these branches of the Service had been called upon to serve during the time they were in camp; and, therefore, he asked the right hon. Gentleman (Mr. Childers) whether it would not be possible to exempt these persons from serving on juries during their periods of training?

MR. CHILDERS said, that this question had been gone into by him on a former occasion, when it was found that there were difficulties in the way of making the exemptions suggested by the hon. and gallant Baronet, although the law exempted persons belonging to the Militia from serving on juries during the period of their training.

MR. WARTON said, he considered that words should be introduced to prevent Volunteer officers being called upon to serve on juries.

MR. CHILDERS said, there was considerable difficulty involved in this question with respect to the Volunteer Service. He was not prepared to introduce any words into this Act providing for the exemption of Volunteer officers from serving on juries.

Clause agreed to.

Clauses 38 to 42, inclusive, agreed to.

Clause 43 (Amendment of s. 171 as to application of the Act to Royal Marines).

SIR WALTER B. BARTELOT said, at the time of the passage of the Army Discipline and Regulation Act of 1879, he had drawn attention to the question of Marines landed and serving on shore, and had referred to a case where a body of Marines had been, under these circumstances, for 14 days subject neither to the Mutiny Act nor any discipline Act whatever. He asked that the word "shall" should be substituted for the word "may," so as to make it clear that a Marine force serving on shore would be under the Army Discipline and Regulation Act.

MR. CHILDERS said, he thought it better that the wording of the clause should remain for the present.

Clause agreed to.

Clauses 44 to 47, inclusive, agreed to.

Clause 48 (Amendment of s. 181 as to definition of active service in certain cases).

COLONEL ALEXANDER said, this clause gave great power to the Governors of Colonies, and to commanding officers of troops out of Her Majesty's Dominions. The Committee would see by the 6th clause of the Act of 1879 that a very great distinction was drawn between offences committed on active service and those committed at other times. For instance, a soldier who, on active service, was guilty of sleeping or being drunk at his post, was, on conviction by court martial, liable to the penalty of death; while, for the same offences committed when not on active service, he was liable to imprisonment only. He thought the Committee should hesitate before they conferred upon the Governors of Colonies or upon officers commanding troops out of Her Majesty's Dominions such extensive powers as were proposed by this clause.

MR. CHILDERS said, he would refer the hon. and gallant Gentleman to the following clause, which provided that the Governor of a Colony or the commanding officer of troops, if they had the means of direct communication with the Secretary of State for War should obtain his consent before carrying out the sentence.

COLONEL ALEXANDER pointed out that it would have been impossible to communicate directly with the Secretary of State in the case of the outbreak of the Zulu War, because there was no telegraph with the Cape at the time.

SIR WALTER B. BARTELOT regretted to say that he considered this clause to be absolutely necessary, because he believed that circumstances had arisen which had compelled the right hon. Gentleman the Secretary of State for War to insert it in the Bill, although it might be true that the punishment of flogging had nothing to do with the question, yet the abolition of that punishment had made it absolutely necessary that the powers provided for in the clause should be granted.

MR. O'DONNELL said, the practical effect of the clause would be that offenders on active service would be liable in future to much severer penalties than at present. He thought the clause should be revised, because he objected to a commander having power, merely for the purpose of punishing a certain class of offences, to create a fictitious state of war *ad hoc*.

MR. CHILDERS said, that all cases would be most carefully revised.

Clause *agreed to*.

Clauses 49 and 50, inclusive, *agreed to*.

Amendment of Regimental Debts Act.

Clause 51 (Amendment of 26 and 27 Vict. c. 57 as to collection, disposal of effects of deceased officers and soldiers).

On the Motion of Mr. CHILDERS, Amendment made, in page 25, line 15, after "may," by inserting "after such notice only, if any, as is determined in the regulations;" in page 25, line 18, after "soldier," by inserting "and may dispose of the same."

Clause, as amended, *agreed to*.

Clauses 52 to 54, inclusive, *agreed to*.

Schedule *agreed to*.

Bill *reported*; as amended, to be considered upon *Thursday*.

WILD BIRDS PROTECTION ACT (1880)
AMENDMENT BILL—[*Lords*.]—[BILL 226.]

(*Mr. Courtney*.)

COMMITTEE.

Order for Committee read.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Amendment of s. 3 of 43 and 44 Vict. c. 35).

Amendment proposed,

In page 2, line 4, to leave out after the word "Provided" to the words "eighteen hundred and eighty" in line 6.—(*Mr. Courtney*.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. DILLWYN said, he must object to the Amendment. Sub-section 3 was inserted to prevent the destruction of birds which were not noxious, and did not increase too fast, but rather the con-

trary. Such birds ought to be protected, and for that purpose this section was necessary.

MR. THOMASSON urged the undesirability of encouraging the killing of these birds in foreign countries by allowing them to be sold in this country.

MR. COURTNEY said, he thought the hon. Member for Swansea (Mr. Dillwyn) had rather misunderstood the object of the clause, and contended that the effect of the sub-section was to extend protection to the importer.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clauses 2 and 3 *agreed to*.

Bill *reported*; as amended, to be considered *To-morrow*.

SAVINGS BANKS AND POST OFFICE
SAVINGS BANKS, AND SECURITIES
IN CHANCERY DIVISION.

Considered in Committee.

(In the Committee.)

MR. ANDERSON said, the state of the House showed the hopelessness of opposing these Resolutions to-night; but he appealed to the Government, when they were so strong that they could do whatever they pleased, to be merciful as well as strong, and not to press the Committee to commit the House to a measure which was far from advisable. The meaning of these Resolutions now to be proposed was to impose £2,000,000 a-year of taxation on the country for 21 years, and that was far too important a proposal to be brought up in the expiring hours of an arduous Session, when the country had had no opportunity of considering whether the proposal was good or bad. He did not wish at present to discuss its goodness or badness, but to raise the question of the Government bringing it forward at such a time when so very many Members had gone home under the impression that no Business of importance or of surprise would be brought before the House.

LORD FREDERICK CAVENDISH explained that these Resolutions were only preliminary to the introduction of a Bill, and that, so far from the proposal being a surprise, the Chancellor of the Exchequer had clearly explained the matter in his Budget speech.

Q

(1.) *Resolved*, That it is expedient to grant powers for the conversion of certain Government Annuities standing in the names of the Commissioners for the Reduction of the National Debt, on account of the Fund for the Banks for Savings, and also on account of the Post Office Savings Banks Fund, into certain other Stocks and Annuities, and to provide for due payment thereof out of the Consolidated Fund.

(2.) *Resolved*, That it is expedient to authorise the conversion of a portion of the Government Stocks or Annuities standing in the name of the Paymaster General on behalf of Chancery into certain other Stocks or Annuities, and to provide the guarantee of the Consolidated Fund for the security of such Government Stocks.

(3.) *Resolved*, That it is expedient to authorise the conversion of certain Exchequer Bonds into Permanent Annuities.

(4.) *Resolved*, That it is expedient to amend "The Savings Bank Act, 1880."

Resolutions to be reported *To-morrow*.

CORONERS (IRELAND) BILL.—[BILL 230.]

(*Mr. Healy, Mr. Gray, Mr. Barry.*)

Lords' Amendment *considered*.

MR. HEALY said, he understood that there had been an Amendment made by the Lords which was a breach of the Privileges of the House of Commons. Personally, he should have no objection to it; but as it was a breach of the Privileges of the Commons, he would move to disagree with the Lords in the said Amendment.

Motion *agreed to*.

Committee *appointed*, "to draw up Reasons to be assigned to The Lords for disagreeing to the Amendment made by The Lords to the Coroners Bill:—"MR. HEALY, MR. ATTORNEY GENERAL, MR. OSBORNE MORGAN, MR. O'DONNELL, Colonel BARTELOT, and Lord FREDERICK CAVENTISH:—Three to be the quorum:—To withdraw immediately.

Reason for disagreement to The Lords Amendment *reported*, and *agreed to*:—To be communicated to The Lords.

EAST INDIAN LOANS, ANNUITIES, &C.

Considered in Committee.

(In the Committee.)

(1.) *Resolved*, That it is expedient to authorise the remission of the loan of two million pounds, advanced out of the Consolidated Fund to the Government of India, under the authority of "The Indian Advance Act, 1879."

(2.) *Resolved*, That it is expedient to authorise the conversion into Terminable Annuities of the Permanent Annuities created under the authority of "The East Indian Loan (Annuities) Act, 1879."

(3.) *Resolved*, That it is expedient to increase the annual charge on the Consolidated Fund for the National Debt, by including therein the

amount of the Permanent Annuities created under the authority of "The East Indian Loan (Annuities) Act, 1879," or the amount of the Terminable Annuities into which the said Permanent Annuities may be converted.

Resolutions to be reported *To-morrow*.

IRISH CHURCH ACT AMENDMENT BILL.

On Motion of MR. WILLIAM EDWARD FORSTER, Bill to make provision for the future administration of the property, and the performance of the duties vested in the Commissioners of Church Temporalities in Ireland, *ordered to be brought in* by MR. WILLIAM EDWARD FORSTER, MR. ATTORNEY GENERAL for IRELAND, and MR. SOLICITOR GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 235.]

House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, 2nd August, 1881.

MINUTES.]—PUBLIC BILLS—*First Reading*—Royal University of Ireland * (194); Public Works Loans * (196).

Second Reading—Land Law (Ireland) (187).

Committee—Report—Presumption of Life (Scotland) * (142-197).

Third Reading—Metropolitan Open Spaces Act (1877) Amendment * (164); Public Loans (Ireland) Remission * (176), and *passed*.

LAND LAW (IRELAND) BILL.—(No. 187.)

(*The Lord Privy Seal.*)

SECOND READING. [SECOND NIGHT.]

Order of the Day for resuming the adjourned debate on the motion for the Second Reading, read.

Debate resumed accordingly.

THE DUKE OF ARGYLL: My Lords, in rising to resume the debate on the second reading of the Irish Land Bill, I am very anxious not to detain the House upon any details, or upon any of those subsidiary parts of the measure, which the noble Marquess opposite (the Marquess of Salisbury) last evening designated "as ornamental." I am not quite sure that I agree with the statement that those parts of the Bill are purely ornamental. I hope, though they are more limited than I could have desired, that, however ornamental they may be, they will be of some substantial value. But,

at all events, my Lords, they are not those parts of the Bill to which our attention ought to be directed on the second reading, and my desire now is to concentrate the attention of the House upon the general scope and bearing of this Bill as concerns the relations between landlord and tenant in Ireland. My Lords, this measure, like every other measure affecting the interests of large numbers of people, must always be viewed in two different aspects. The first is its own intrinsic value; and the second is its relations to those circumstances which constitute political necessity in this country. My Lords, it is a happy state of things when those two aspects are combined; and almost as happy a circumstance when those two aspects, which appear different at the time, coincide, and are proved by history to be really the same. There have been occasions in this House, and in the other House of Parliament, when measures have been carried by pressure from without, and purely under circumstances of political necessity, which have afterwards recommended themselves to the consciences and convictions of men as measures of justice as well as of necessity. Such, my Lords, was the Roman Catholic Relief Bill. When the Duke of Wellington introduced that measure into this House, he made no secret that he pressed it on the adoption of the House as a matter of pure political necessity. Its object was to repeal one of the great curses of the country—the last of those penal laws which had been in force against the Roman Catholics; and although this House at that time passed that measure merely from political necessity, I imagine there are not three men in this House now who would not admit that it was a right and a just measure to admit a large majority of the people of Ireland to a share in the government of their country. But he would be a bold man who would assert that every measure which is pressed upon Parliament as a measure of political necessity is, therefore, a just and a wise measure. My own impression is there never has been a wider gap than that which exists in regard to this measure between its own intrinsic merit and the recommendations which arise from external circumstances. My Lords, I thought I could trace in the debate last night some feeling of bitterness and

almost of humiliation that we felt ourselves obliged to accept a measure to which many of us have such strong and fundamental objections. Depend upon it, my Lords, this House does not stand alone in that respect. That feeling, I suspect, is as great in “another place.” It has been carried by authority alone, and let me remind the House, because it is important that not only this House but also the country should be aware, of the circumstances which constitute the political necessity for this measure. In the first place, it has been brought forward by a Government which has been lately installed in power after one of the greatest and most violent revolutions of public feeling which has ever taken place in the political history of this country. In the second place, it has been made a test question with that Government, and the whole weight has been cast into the scale of the personal authority of the Prime Minister, my right hon. Friend, whose high character, whose unquestionable genius, whose extraordinary powers, and whose splendid services have not unnaturally led thousands of his countrymen to place in his hands almost their reason and their conscience. In the third and next place, my Lords, there is that natural fear of the consequences of the defeat of this Government; the dread of the consequences of a Dissolution of Parliament at this time, in Ireland, and even in the United Kingdom, and that is a contingency which none of us can contemplate without serious anxiety. Last of all, my Lords, there has been the spectacle of the dreadful anarchy in Ireland, an anarchy during which great parts of the population have appeared—I hope it has been only in appearance—to have had sympathy with crimes which are not only dreadful, but many of them loathsome in their character, and which would have been a disgrace to the barbarians of Fiji. Then, my Lords, comes that weariness of Parliamentary Obstruction, that sense of the whole Business of England and of Scotland and of the United Kingdom being prevented from being conducted with any success or even decency by the urgency of this Irish anarchy breeding a spirit in this country of almost complete indifference to what is done, and a desire of granting anything rather than that there should be a continuance of these scan-

dals. These form a combination of circumstances, my Lords, which tell not only in this House, but, I am sure, tell much more powerfully in the other House of Parliament; and, therefore, I beg this House not to suppose that if we are, to a certain extent, placed in circumstances of humiliation, that those circumstances are peculiar to the House of Lords. They are by no means so. My Lords, when I hear the language which is uttered out-of-doors by Friends of my own, and belonging to my own political Party with regard to this measure, and with regard to the necessity of passing it, I am a little reminded of that description given in that well-known work by Miss Edgeworth, to which I referred the other day, in which a retainer of Castle Rackrent narrates to a companion how his master, having stood for the county and obtained his seat, went off to Dublin and joined that company of persons who knew how to support the Government most honourably against his Party. Now, I feel the necessity of the circumstances in which we are placed; but, submitting to these necessities, I think it is most important we should form a clear estimate of that which we are sacrificing. What, then, is the general object of this measure? My Lords, this measure has these two main objects. First of all, it is to empower three very respectable gentlemen to dictate the price of the hiring of land all over a great country inhabited by 5,000,000 of men. In the second place, it is to enable every tenant in Ireland to sell that which may not be his own by law, by custom, or by equity. Now, these two sentences contain a literally true and exact description of the great aims and objects of this measure. Now, I will take these in their order, but in an order the reverse of that in which they are mentioned in the Bill; for, strange to say, this Bill deals first with the question of sale, and, second, with the question of the valuation of rents. But in the statement of the Government, and especially in the statement of my right hon. Friend at the head of the Government, the question of the valuation of rents was put first, and that of sale second. Mr. Gladstone's speech in the House of Commons has now been published in the form of a pamphlet, and as it may be considered to be the Government on the

subject, it is remarkable to notice the description my right hon. Friend gives of the object of the measure with regard to the valuation of land. He says—

"I come to the great question which, I think, must constitute the salient point and cardinal principle of the Bill, the institution of a Court which is to take cognizance of rent, and which, in taking cognizance of rent, will also, according to the provisions of the Bill, not be debarred from taking cognizance of tenure and assignment."

And he also speaks of the Court as "an optional Court for regulating rent." Now, in the first place, I must demur to the accuracy of the description. It is not, strictly speaking, an optional Court at all—that is to say, it is not a mere Court of Arbitration to which both parties may go and have access, but it is a Court to which everybody may be driven by somebody else. Now, that is a very different thing from an optional Court; and I must say, in passing, I am not at all sure that an optional Court, in the shape of a Court of Arbitration, would not have been almost necessary in the present circumstances of Ireland. Indeed, I believe, in the circumstances of anarchy in which the country is, the landlords would almost unanimously have been delighted to appeal to such a Court in regard to the fairness of their rents; and this I can say, that a very great number of my own Friends, who are strongly against the Bill as a whole, have not been against this part of it, considered as establishing an optional Court. Now, this is the principle of the Bill—that three private gentlemen, I believe of the highest character and attainments, are enabled, compulsorily, at the instance of any one of the two parties, to compel everybody in Ireland to submit to them the hiring and price of land, in order that it may be settled at their discretion. I must say, apart from the political circumstances called the peculiar relations of Ireland, of these two provisions, one of them is eminently ridiculous, and the other is eminently unjust. A universal power of valuing rent by three men all over Ireland is eminently ridiculous, and the giving of an absolute right of sale to everybody, whether they have acquired it or not, is, to my mind, eminently unjust. It does not require to be an inhabitant of Jupiter or Saturn to perceive the absurd-

dity in the one case, and the injustice in the other. And here I may remark that I was much struck by the quotation of the noble Marquess from a French journal, which shows very fairly the opinion of foreigners as to this proposal. The next thing I wish to point out is this—that this principle of valuing rents for the future was denounced by my right hon. Friend in 1870 in the strongest language. Now, I do not quote these things for the purpose of fixing a charge of inconsistency on my right hon. Friend. I quote them as expressing my own opinions at the present moment. I happened to be a Member of the Government at that time, and consented to the Bill of 1870, on the understanding that these were the views of the Government, and that these were the principles of the Bill. Now, just listen to the language in which my right hon. Friend refers to the question of the power of valuing the rents of land in Ireland—

“Shall I really be told that it is for the interest of the Irish tenant bidding for a farm that the law should say to him—‘Cast aside all providence and forethought; go into the market and bid what you like; drive out of the field the prudent man who means to fulfil his engagement; bid right above him, and induce the landlord to give you the farm, and the moment you have got it come forward, go to the public authority, show that the rent is excessive, and that you cannot pay it, and get it reduced.’ If I could conceive a plan more calculated than anything else, first of all, for throwing into confusion the whole economical arrangements of the country; secondly, for driving out of the field all solvent and honest men who might be bidders for farms, and might desire to carry on the honourable business of agriculture; thirdly, for carrying widespread demoralization throughout the whole mass of the Irish people, I must say, as at present advised—to confine myself to the present, and until otherwise convinced—it is this plan and this demand, that we should embody in our Bill, as a part of permanent legislation, a provision by which men shall be told that there shall be an authority always existing, ready to release them from the contracts they have deliberately entered into.”—[3 *Hansard*, cxcix. 1846.]

I beg the House to observe that this is not an argument of mere expediency. It is not a temporary argument referring to any particular state of things. It is an argument founded on morality, and it points out that to give this terrible power of re-valuing rents to the Irish tenants will be a demoralizing influence in this country. Now, I say, what has happened since 1870 to

alter the bearing of that argument? Nothing whatever, as regards the merits of the question. There is but one answer, and one only; and I wish the Government had the courage to state it frankly, and not go beating about the bush, fishing for means of reconciling things that cannot be reconciled, and proving language to be consistent with their present conduct which is utterly inconsistent with it—there is but one answer, and that is that the people of Ireland are now so thoroughly demoralized that even this cannot demoralize them more. Now, if this measure were confined to the poorest class of tenants, I must say that, even as regards its own intrinsic claims, there might be a good deal to say for it. There is no doubt whatever that the poorest class of tenants in Ireland are comparatively weak and helpless; and I believe, notwithstanding the abstract doctrines of political economy, that most Members of this House would be willing to entertain exceptional measures as regards those exceptionally poor and weak tenants. Certainly, indeed, this House, in the Act of 1870, did pass a measure which was especially directed to giving compensation on an increasing scale in proportion to poverty and the size of the holding. But this is to apply to all tenants in Ireland, and to include men quite as competent to make a bargain as any one Member of this House. My Lords, I heard with surprise my noble Friend the Lord Privy Seal (Lord Carlingford) last night arguing that there should be no exemption in regard to the large tenant, because he says they have a larger stake in the country. What has that to do with it? If they have a larger stake in the country they are perfectly competent to take care of their own stake, and do not need the protection of this Bill; and I must say that in this argument there could be no difference between tenants of different sized holdings. My noble Friend is not consistent with his own Bill, because, after all, even in this Bill it is provided that, above a certain stage, free contract is to be allowed. Now, with regard to this Court for the valuation of rent, I have come to the conclusion, I must frankly say, that such a measure is necessary in Ireland; and it shows an extraordinary ignorance and thoughtlessness of men upon this subject that it

has been held that the observations which I ventured to address to your Lordships some weeks ago indicated that I was adverse to such a proposition. Most people have thought so; but the argument tells the other way. My object was to prove that the accusations brought against the landlords of Ireland before the Bessborough Commission were, almost in every case, false. That was my argument, and that the Bessborough Commission took no pains to test these falsehoods. Very well; I want the Court to do that. I want the Court to do what the Bessborough Commission did not do. This is perfectly consistent with my argument, for I never saw or read a document which was so painfully full of error as the Report of the Evidence of that Commission. It is redolent of the atmosphere of falsehood and imposture, and that is my reason, and no other, for wishing a valuation of rent by a competent tribunal in Ireland. And now I must say that the speech of my noble Friend the Lord Privy Seal last night gave me an additional reason for wishing that the Court should investigate facts. I proved to your Lordships the other day that subordinate Members of the Administration had been repeating stories against the landlords which, on investigation, proved to be groundless, and one of which an investigation of no more than 10 minutes would have shown to be false. Well, my noble Friend last evening made no accusation of that kind; but he did make another statement, without one syllable of explanation as to the evidence on which he founds one of the most wild and violent propositions in the measure. I am not, however, now saying it may not be necessary, in the present state of Ireland, as a measure for giving to this Court an absolute power of dissolving leases. When I left the Government there was no question of touching leases, and the Bill as it was introduced into the House of Commons did not touch them, and the provision I speak of was added at a later stage. My noble Friend last night admitted that it was a violent course; but what did he say? He spoke to this effect—"You will think it a very strange proposition; but the more I investigate the subject the more convinced I am of the necessity of revising the conditions under which iniquitous leases have been given, in order to bring them to an

end." Now, I never heard a Minister make such a demand upon Parliament without supporting it by evidence. A measure which leads to the breaking of all contracts my noble Friend asks you to assent to, because, as he says, without evidence, the most iniquitous leases have been given. He does not even give a hint to the House what the nature of those leases was. I do not want him to give names, because that is dangerous in Ireland. I want him simply to describe what is the nature of the leases he describes as iniquitous, and we shall be entitled to hear as to the particular terms of those leases. In regard to the point, I would remind your Lordships that the Act of 1870 deliberately adopted the principle that an agricultural lease of 30 years would exhaust the tenant's interest in all agricultural improvements except buildings. I will now direct your Lordships' attention to another important point. It is one of the fundamental points connected with this Bill. When I was a Member of the Government there was a guiding principle laid down for this Court; the absolute power was not given without an indication on the part of Parliament to a general principle on which the Court was to proceed. Not only was this so, but my right hon. Friend the Prime Minister, in his speech on the Second Reading, used these words—

"We have thought it our duty to endeavour to grapple with the very difficult task—where none of the Commission show any particular readiness to deal with it—of giving to the Court some guidance in its efforts to arrive at a fair rent."—[3 *Hansard*, cclx. 909.]

Observe, my right hon. Friend the Prime Minister speaks of it as a "duty" on the part of the Government to give some guidance to the Court. Well, my Lords, that duty has been abandoned. The Bill gives up to the Court that attempt to fulfil that task which the Prime Minister spoke of as a duty, and which the Government, when I left it, had taken some pains to discharge. Now, where is the reason why this duty has been abandoned? I know very well it is an extremely inconvenient duty to define what a fair rent is; but if you are to have any accurate notion of what is to take place—which Irishmen do not want—you are bound to give some general indication of the principle on which the Court is to pro-

ceed. Look what the Bill says. As originally introduced it said—

"A fair rent means such a rent as, in the opinion of the Court, after hearing the parties and considering all the circumstances of the case, holding, and district, a solvent tenant would undertake to pay one year with another."

Now, that is the fundamental basis of rent. It points to the market value. This basis of market value is, I may say, the basis of State valuation of land in India. In that country it is the rule to find out what the market value is, and from it to make whatever deductions that may be fair. Then the second direction is—

"Provided that the Court in fixing such rent shall have regard to the tenant's interest in the holding;"

and then the Bill proceeded to attempt to define what the interest of a tenant was, and in that attempt it broke down. Observe how it broke down. The tenants did not want their interests defined. They wanted the Bill to be perfectly vague and indefinite. This was their object, and this duty of the Government was given up because the tenants did not like it. In the first place, the very sound of market value—and, in the second place, the sound of defining their interests—frightened the tenants. Mr. Gladstone says that the Commissioners have shown no particular willingness to enter upon this task which the Government undertook. Well, I am not a great supporter of the Commissioners, or of any of their Reports. I rather agree with Mr. Gladstone when he said these Reports constituted a litter. But the Beesborough Commission makes some reference to what a fair rent is. The Beesborough Report defines a fair rent to be the commercial value determined by professional valuers, subject to the deduction of the tenant's interest, less any sum paid by the incoming tenant as the ordinary price of the goodwill. That is a perfectly fair definition. You start from market value, and you deduct from the market value that which is due to a particular tenant in the particular circumstances of the holding. That is a very fair indication of the general principle. Now, I say it was the duty of the Government to maintain and to discharge this obligation of giving an indication to the Court, and I cannot help thinking that the total de-

parture from any attempt to give an indication simply shows an evasion of the difficulty, and I wish to smooth over difficulties by placing everything in the absolute power of this triumvirate of men. Now, I pass to another, or rather the same consideration from another point of view. Parliament gives no indication to this Court how these rents are to be valued. I should like to ask if my noble Friends on the Treasury Bench have themselves considered what this Court will have to deal with in finding out the principle or basis for the valuation of rent? They give no guidance to the Court, and not only that, but they deliberately withdraw from the attempt to give that guidance. Now, I will direct the attention of the House to cases which we know are common in Ireland. I will first take the case of what are called labour rents. That is to say, rents which are really not paid out of the produce of the holding, but paid out of the labour of the tenant. Now, some of your Lordships who have not attended very closely to the matter may suppose that this is a very small item in the rent-roll of Ireland. It may be a very small item in the rent-roll, but it is a very large item in population. There are several hundreds of thousands of farmers in Ireland who pay their rents, not out of the farms, but out of their labour. Well, I ask the Government have they formed any conception of the principle on which this Court is to proceed in valuing the rent of a labour tenant? It is not the market value that a solvent tenant would pay out of the land. It is a rent paid out of the labour of the tenants; and as, in many instances, the whole produce of these wretched holdings will not support the tenants and their families, is the Court to say that they are to pay no rent at all? The Court is perfectly free to do so; but if that rule is to be adopted, there are some large proprietors in Ireland who would lose almost the whole of their property—at all events, a very large proportion of their rental. I say sincerely that I have no conception of the principle upon which the Court will value these rents. It is perfectly easy to value ordinary farms, where you have local valuers who know all the circumstances of the case; but how the Court are to value the interest of these cottier tenantry in Ireland, who are

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labourers, in fact, with large allotments, I cannot understand. In this case, it is quite different with the three gentlemen who constitute this Court, and I doubt whether the Government has any conception of the principle on which they will proceed. Well, then, I take another case, as I want to show that in Ireland the first principles upon which rent is regulated are disputed. It is not a question of ordinary valuation, but a question as to what are the fundamental principles in respect to property. I take the case of long leases, and it happens that I am supplied with a very remarkable example. Perhaps the Members of this House may recollect that, in the observations I addressed to your Lordships on the 1st of July, I had occasion to refer to the evidence of a certain Mr. M'Elroy, who is a well-known leading man in one of the largest tenant right associations in the North of Ireland. I found fault with his evidence, and I pointed out that he himself had been obliged to confess that, instead of the landlord eating up the tenant right, the tenant right had not declined at all in value during the last 10 years. A few days afterwards I had a letter from Mr. M'Elroy finding fault with my speech, and pointing out that I had omitted to notice certain cases in his evidence, particularly mentioning the case of a farm at Ballywilliam, near Portrush. I immediately investigated the case, and I found some very curious facts indicative of what are Irish ideas in Ulster at present with regard to the rights of entering into long leases. In this case the lease was entered into in 1791, and did not expire until 1874. In all, the tenants under the lease had held the farm 83 years. What happened? The tenant wished to prove, when the lease was beginning to come to an end, that he had tenant right, and he appealed to the County Court on this point. The County Court Judge, after hearing all the circumstances of the case, decided that tenant right had never existed in regard to this farm. The tenant had paid nothing for it in 1791, and there was no right, therefore, to it in 1874, when the lease expired. Upon that finding, the tenant applied to the landlord for a renewal of the lease, and the landlord naturally said—"Yes; I will give you a renewal, if you will give a better rent," and the two parties agreed

as to what a fair rent was. Now, that is the case that Mr. M'Elroy quotes to me as proving to me that the tenant right is being eaten up—a case in which there was no tenant right, and in which the two parties agreed upon a fair rent. Well, but the circumstances of this case are still more curious. The farm is situated on some of the finest land in the county. It is close to a very important seaport, which is becoming a very important watering place. Dairy produce is very valuable in that quarter, and the landlord says in his rebutting evidence before the Commission that he was offered between £4 and £5 per acre for it, and that he gave it to this tenant for something like £30. Now, I want to know on what principle the Court will deal with cases of that kind? It is good evidence that the whole of the Ulster tenantry would think the landlord was very wrong in wishing to increase any rent. Mr. M'Elroy complains bitterly of the decision of the Judge. He complains of the Court, and says that the Judge does not hold the same opinion about land as that which some of the tenants hold. Well, that is very likely. He complains, also, that the rent was so high that the tenants could not pay, if it had not been for the exceptional value of milk and butter at Portrush. That is to say, the rent would have been too high, if the produce of the farm had been left out of consideration. Now, there is a truly Irish idea. I want to know how my noble Friend and his Court are to deal with these Irish ideas? In the first place, is he quite sure that Mr. M'Elroy will be more content with these three private gentlemen set over the whole of Ireland than with the Court now established? In the next place, when these three gentlemen are put on the Bench, on what principle are they to decide? In Ireland there are two principles diametrically opposed one to the other. The first is the principle of the tenant, who says—"The longer I have held your land, the longer I am entitled to continue to hold it;" and the second is that of the landlord, who says—"The longer you have held my land at an enormous profit to yourself, the more am I entitled to resume it when the period of your tenancy comes to an end." Now, those are fundamentally opposite propositions, and there is no going between them;

or, if there is, it is purely arbitrary in the mind of the Court; and I want, therefore, to know what is the principle the Government will lay down, in such cases? I have put two cases; I will put another. My noble Friend says there is no freedom of contract in Ireland for the larger tenants; but I will give him a case. It is not the case of the individual only; it is the case of a great Body, such as the College of Maynooth, which received a large annual revenue from Parliament, and which Government determined to buy up, because it was provided with a very large fund. It was a rich Body, and I suppose my noble Friend will admit that they are as free to contract as other people. A valuator came to the conclusion that the land round the College belonging to the Duke of Leinster was let at a sum considerably below its real value, and accordingly the proprietor asked the College to pay a higher rent. This, after giving a great deal of trouble, the Institution refused to do; and in the evidence given before the Commission the representative of the College says that there is no freedom of contract in such cases as that; that they had no resource but to pay the rent or give up the farm; and that they considered a terrible grievance. What is this Court to do with Maynooth College, representing the whole interest of the Irish priesthood? On what principles is the Court to regulate rents in that case? What is the end with which they are to exercise their powers? I go back to the labour-rent holdings, with regard to which I want to ask another question. Is it the object of the Government that these people should be kept on the land whether they can pay rent or not? If that is the object of the Government, and if this is to be the effect of their measure, instead of being a remedial measure for Ireland, it will be a perpetuation of the very worst difficulties which beset that country. Take the evidence of Professor Baldwin. He tells you that there will be no remedy to the evils of Ireland until these people are removed. You talk of political economy as if it were fit only for Jupiter or Saturn. How are you to get rid of this population? Is it not better to say to these people, as frankly as that gentleman does—"You live a miserable life, in miserable cabins, exposed to perpetually recurring famines, unable to

pay your rent; is not it better that you should go elsewhere, where you can have ample labour and better wages?" In those words are indicated the remedy which the landlord has in his power to give at present, and there are very few landlords who are not willing and do not assist such emigration. But what is this Court to do? Is it to take upon itself to say—"This holding is so small, and you are so poor, as not to be able to pay rent, and, therefore, you must give it up"? As far as I can see, this Bill leaves everything in confusion, unless you leave it to the absolute jurisdiction of these three private gentlemen. It seems to me that there is one explanation of all this obscurity, and this reluctance to deal with principles, and that is the explanation given by Baron Dowse. He says—

"Our object is to deal with the existing tenants of Ireland, and to satisfy them, and never to mind the future."

It is an answer that should be printed in letters of gold as embodying the directing principle of a great deal of this legislation. It is a mere postponing and bottling up of the difficulty, and is not facing it in a manly manner. I come now to the question of free sale. I know that my noble Friend the Lord Privy Seal is a most straightforward and a most candid man; but I was surprised to hear him last night quote one of his speeches in 1870 in regard to the extension of the tenant right custom in Ireland, as if this Bill was in fulfilment of the principle of the Act of 1870. In my view—and I was responsible for that Act along with my noble Friend—the principle of this Bill and the principle of the Act of 1870 in respect of tenant right is absolutely divergent and contradictory. The great principle of the Bill of 1870 was to ascertain the facts in each particular holding, and to regulate the tenant's rights by his equitable acquirements. My noble Friend said, perfectly truly, last night that when you legalize a custom, you would most necessarily alter its character. That is perfectly true; but, as far as we could, we endeavoured in that Act to legalize what existed. It was not the legalization of one custom over the whole of Ireland, it was the legalization of the custom of each holding—each tenant was required to prove what his equitable rights were with regard to his

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holding. If that could be properly done it was an equitable principle. It is perfectly just to legalize and enforce custom properly ascertained—that is to say, custom so universal that you may presume it presented itself to the minds of the contracting parties. Such was the principle of the Act of 1870; but the principle of this Bill is wholly different, for it does not require each tenant to prove what are his individual rights, and gives to every tenant in Ireland something which he may never have acquired and never paid for. The distinction is, therefore, broad and fundamental. There is no getting over it by explanations of particular words and speeches. Not only was the doctrine of legalizing in each particular holding that which each man equitably acquired embodied in that Act, but it was prominent in the speech of the Prime Minister, and over and over again Mr. Gladstone said, during the debates in 1870—“We are giving these tenants that which they have paid for;” and he entered into an estimate of what they had paid for the Ulster tenant right, amounting to something like £20,000,000; but the principle now is to give him something he may not have equitably acquired, and whether he has paid for it or not. I am not going to dispute for a moment that tenant right has done a great deal of good in Ulster. I may have my own opinion as to its advantages, and whether they are an accidental or necessary incident of that kind of tenure, or whether it is connected with the manufacturing history of Ulster. I accept the evidence of my noble Friend that the custom has worked admirably. All that I say is, that in Ulster it was equitably acquired by the payment of money, and by a long course of proceeding to which the landlords had been parties. Now, with regard to the effect of this tenant right, I am bound to say that I should be adverse to the introduction of it where it has not grown up, not only on grounds of equity, but on grounds of policy also. I must say that I find great discrepancy between the language of different Members of the Government on this point. Last night my noble Friend (Lord Carlingford) used these words—

“We are often told confidently that if a tenant holding at a reasonable rent makes this tenant right payment when entering on his

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holding, he converts himself into a rack-rented farmer. My Lords, that may be the theory of the matter, but it is not the fact.”

But the opinion of Mr. Gladstone is quite the reverse. He says—

“It may be very fairly said that in vain do you cut down the landlord's judicial rent . . . and take care that the landlord's receipts shall be limited if, with the land-hunger and scarcity which prevail in Ireland, you still leave it open to anyone to pay an extravagant sum for tenant right, and thereby to take holdings on the same virtually rack-rented condition.”—[3 *Hansard*, cclx. 904.]

Now, I want to know which of these opinions is the true one.

LORD CARLINGFORD: Mine.

THE DUKE OF ARGYLL: My noble Friend cannot get off so easily. What does Mr. Gladstone say? “I am not going to propose unrestricted tenant right. I am afraid of these rack-renting prices. What, then, is the remedy? That the power of the Courts to increase rent is the proper limitation of extravagant tenant right.” That runs counter to another doctrine of my noble Friend that tenant right and rent grow up side by side, but have nothing to do with each other. But how can one fail to be a subtraction from the other? That is the difficulty. There is no doubt whatever that rent and tenant right are two antagonistic powers. You may balance them as you like, artificially or naturally; but one must give way to the other. [“No, no!”] My noble Friend says “No;” but what I say is this—that the doctrine of the Bill that the power to raise rents will limit the tenant right is not a true statement of the case. The converse must be equally true, and no ingenuity can disprove it—that the tenant right must prevent the payment of a reasonable rent. If one is true, the other is no less true. My noble Friends are ingenious arguers. Will they explain how the one will always limit the other? I proceed to ask another question. My right hon. Friend at the head of the Government says that he admits the danger of extravagant tenant right. He admits that it is an evil; unlike my noble Friend, he admits that it may reduce the tenant to a rack-renting condition; but then he says that the power of increasing the rent will prevent those extravagant prices for tenant right. That is not my belief. I believe that after this Bill becomes law, the power of increasing rent will not long remain a

practical power at all. Look at the terms of the Bill. Ostentatiously, and, as it would appear, for the very purpose of ostentation, you put it on the very front of your Bill that the tenant may sell for the best price that can be got. It has been said, and I think truly said, that that points to a sale by auction, and a good number of tenants in Ulster have been alarmed at that prospect. They do not like sales by auction. There is a process which is called "sweetening," where people are employed to run up prices to an extravagant figure. All these practices are well known to the tenants, and they are beginning to be afraid that the best prices which can be got will be very extravagant prices. The Bill, however, puts it ostentatiously in the front that tenants may get the best price obtainable; and if prosperity returns, we shall find tenants buying the tenant right at 30, 40, or even 50 or 60 years' purchase. What is the Court to do when the landlord comes to ask for an increase of rent? The tenant will be able to prove that, under the express indication of an Act of Parliament, he has bought his holding for 40 or 50 years' purchase. But how will it be possible for the Court to say that these extravagant prices are not to be given? Then you have the power of combination among the tenants. On many estates with 3,000 or 4,000 tenants, applications may have been made to the Court to have rents raised. At the end of 15 years the landlord says—"Since I let this farm a railway has been made through this country; there has been a great improvement in prices, and I ought to have a rise of rent." The tenants, on the other hand, will be able to show that three or four times over they have paid these extravagant prices, and to combine against such an increase of rent. I hold, therefore, that the doctrine of the Prime Minister, that, in the circumstances of this Bill, the possible and periodical increment of rent will be a practical abatement of tenant right, is a pure delusion. Now, my Lords, with regard to the principle on which this new universal right of sale is to be given to all the tenants of Ireland, I wish to enter my protest against some of the principal arguments which are advanced by the Government. The Prime Minister has said that the law of assignment is a law

which is rooted in the law of Europe, and that, therefore, we ought to give universal right of sale. It may be perfectly true that the right of assignment is so rooted in the law; but there is another right equally rooted in all systems of European law, and that is the right of the landlord not to accept the assignee. Is it not obvious that one right is as well established as the other? My Lords, neither my conscience nor my reason will allow me to accept that statement of the Prime Minister as conclusive of the matter. With regard to the general effect of this power in Ireland, I am bound to say that I entertain very serious apprehension. I think, now that it has been proposed by a powerful Government to put this morsel into the mouths of the tenantry, it will be almost impossible to get it out again. I am firmly of the conviction that it will lead to the entire ceasing of landlords' improvements in Ireland. My Lords, I am bound to say it is frankly admitted by the Bessborough Commission. They say that the universal right of sale interferes with the sentiment of ownership; and upon the sentiment of ownership depends the inclination of the landlords to improve their land. I have no doubt, therefore, that after the passing of this Bill, unless great modifications be made in it, there will be a complete and absolute cessation of all landlords' improvements, and a more mischievous effect it would be difficult to conceive. You are depriving all the landlords of Ireland of their privileges, and you are releasing them from their duties. Now, my Lords, such is my opinion of the general character of this Bill on its own merits, apart from its political significance; let me say a few words as to the omissions of this Bill. This Bill does not deal, or attempt to deal, with one of the greatest evils of Ireland. I have shown that it will very materially interfere with the only remedies going on with regard to the cottier population of the West of Ireland; but it does not attempt to deal with the small tenantry and the greatest evil under which they suffer, and that is the enormous interest which they pay for money. That is the evidence of Professor Baldwin, who says that a large part of the small tenantry—I think he says 100,000 out of the total of 500,000—are so deeply in debt that they owe to the usurious money-lenders

sums amounting in the several cases from three to 10 years' rent. The interest paid on these loans is a burden infinitely heavier than the rent paid to the landlords. It would be a task worthy of the genius of my right hon. Friend at the head of the Government if he had attempted to deal with this great evil. In the Land Reforms effected in Prussia and Germany and other Continental States questions of this kind were dealt with. But nothing of the kind is attempted in this Bill. We have nothing but the rude and coarse expedient of reducing rents, however moderate those rents may be—moderate, I mean, except in the opinion of the tenant class. Now, my Lords, with reference to emigration, I am not going to say much. I hope, and I think the noble Marquess opposite (the Marquess of Salisbury) was mistaken in saying that the Emigration Clause had been intentionally reduced to narrow proportions. No doubt the sum of money is small, but we may hope that it is only a beginning. But what I fear is that you are putting into the minds of these poor tenants that by some means or other you will enable them to continue on the land, and to live happily and prosperously when they cannot possibly do so, and that not until they have discovered that they have been unintentionally deceived will they avail themselves of the opportunity of emigration. The fear is that by emigration you may lose the best part of the population, and may not get rid of the class which most needs emigration. I have detained the House for a long time on this question. I only wish to add this—that when I look back to the general character of the Bill, although it is most ingeniously and elaborately framed, and I think with a sincere and honest desire to check the different evils which prevail in Ireland, by means of compensatory provisions, I cannot help smiling at the adulation which has been lavished upon it by a large portion of the supporters of the Government as a great act of constructive policy by a Liberal Government; and this of a Bill which places absolutely in the hands of a triumvirate the destinies of the whole of Ireland. My Lords, is this the acme of the wisdom of the Liberal Government? I cannot doubt, for a moment, that the Government has been driven to this Bill, as we are driven

to it, by circumstances of external pressure. It is the Government that has been driven to have recourse to this somewhat rude and coarse expedient—worthy of a despotic Government, wondered at by every civilized nation in Europe. My Lords, when I look at my noble Friends below me on the Treasury Bench, I cannot help regarding them as something very like what I have seen on the shore of the Western Islands of Scotland—a row of jelly-fishes. [*Great laughter.*] My noble Friends need not be affronted by the comparison. Jelly-fishes are the most beautiful creatures in the world. They have been studied by eminent biologists now for many years. It has been discovered that they are endowed with a most elaborate and delicate nervous system; but I am sorry to say they have been hitherto found destitute of a skeleton and a backbone. But there is one peculiarity about these jelly-fishes, they make the most beautiful convulsive movements in the water, and you see that the poor creatures think they are swimming; but when you take the bearings of the land you find that they are simply floating with the currents and the tides. That is the position of my noble Friends with regard to this Irish Land Bill. I really hope that success may be possible with the Bill; but it can only be on one condition, that I hope you will observe—namely, that you develop your jelly-fish qualities into something like a skeleton. Let the Irish people understand, at least, that you mean to support the decisions of this Court. I understand that the men who have been selected by right hon. Friend are men of the highest eminence, and that they have the respect, at least, of many noble Lords on the opposite side of the House. Some of them have, indeed, expressed to me their perfect willingness to accept their arbitration in such matters. I have shown your Lordships some of the difficulties they will have to deal with, that it is a question not merely of the valuation of rent under ordinary conditions, such as it would be in England and Scotland, but that the Court will have to deal with fundamental differences of opinion on abstract questions of property. I say that it will require all the powers of the law to support their decisions; but let it be understood by the Government that there is an end to these apparently endless con-

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cessions, and that they intend to support the decisions of the tribunal that will be appointed, and that it will be useless for the advocates of tenant right to come and say that they do not submit to their decision, because they find that the opinion of the Court does not coincide with the opinion of the Irish tenant. If it were otherwise, and unless some strong ground of this nature is taken, neither this message of peace nor any future message of peace you send to Ireland will be a message of peace. Now, I wish, in conclusion, before I sit down, to say a word as to the Irish population. I hope that nothing I have said will induce any feeling on the part of any portion of the population of that country that I feel, or anyone in this House feels, harshly towards them. I have myself Irish blood in my veins, not merely that we came from Ireland some 1,000 years ago; but recently I have made a personal and near connection with Ireland; and I admire their many great qualities, and it is impossible not to admire and respect their domestic virtue. Many of the evils of their lot and faults of their character have been the developments of an unfortunate political history; but I say this—it is high time to tell the people of Ireland that no people can prosper who, like many of the tenants in that country—I am afraid thousands of them—have been lately pleading poverty as an excuse for crime and fraud.

VISCOUNT MONCK said, he would not refer at any length to what had been called by the noble Marquess opposite (the Marquess of Salisbury) the “ornamental” part of the Bill; but he regretted that the emigration portion of the Government scheme had been dwarfed to its present limits, for he believed that portion of the scheme was the only one which would meet the case of a large portion of the population in the West and South-West of Ireland. But he would suggest that another portion of the Bill might serve as a great means of promoting emigration indirectly—namely, the right of sale, which had been found in all parts of Ireland as the one means for the consolidation of farms. It had been found to combine the least amount of inconvenience to the tenant with the greatest advantage to the estate. The noble Marquess opposite (the Marquess of Waterford) treated

the Bill as if it were a Bill of Pains and Penalties against the whole body of the Irish landlords; and he evoked a loud cheer from the Benches opposite when he asked was that the way to treat men who had been tried and acquitted. But the question their Lordships had to consider was not whether a large majority of the Irish landlords had misconducted themselves—which he (Viscount Monck) did not believe—but whether the law was in such a state as to enable a minority of the landlords of Ireland so to exercise their legal rights as to create alarm amongst the tenants, and so to imperil the public peace. He was of opinion that the law was in such a state, and the object of the present Bill was to remedy that evil. What was the evil in the present case? He thought it was that, although the conditions of tenure in England and Ireland were entirely different and distinct the one from the other, the rule of law which regulated the relative rights and obligations of both landlords and tenants was the same in both countries—namely, the English system. That, he thought, was a fair statement of the state of things which subsisted up to 1870. What were the differences? It was notorious that in England when the landowner lets a farm he lets it in the form of a highly-equipped machine. The machinery was provided by the landlord, and kept up by him. The tenant merely provided the capital necessary for the annual outlay. What was the state of things in Ireland? He (Viscount Monck) spoke generally, not universally. Everything that was necessary to be done on the land, the building, the draining, was done by the tenant. To anyone who knew Ireland, the extent to which improvements had been made by the tenants did not require proof; but a singular piece of evidence was furnished in a statement which was published the other day by what was called the Landlords' Committee in Dublin, a statement which they had obtained by issuing questions to landlords all over Ireland, as to the amount of money spent by landlords. The number of acres included was 4,216,619 spread pretty evenly over the four Provinces of Ireland; and the returns showed that within 40 years on those 4,200,000 acres there had been spent £3,544,547, or an annual expenditure of some 5*h.* per acre per annum.

[*Second Night.*]

He assumed, therefore, that, generally speaking, it was the tenant who had to expend the capital and the labour necessary to bring the soil up to a productive state. In England, if a landowner desired to resume possession of his land, he had no pecuniary liability or obligation to the tenant, except such as were of a temporary character, for tillage and unexhausted manure; and these being allowed for, if he could not come to terms with the tenant, the landlord resumed possession of the land, and neither had any just ground of complaint. But how stood the case in Ireland? In that country, the tenant having expended his capital or labour, the landlord had the power to move him out of his holding, that tenant, perhaps, having expended on that holding, in increasing its value, the whole of his life-long savings. Was that right or fair, or was it a system upon which the prosperity of a country ought or could depend? Where land was in a productive state, rent consisted of two elements—one remuneration for the use of the natural qualities of the soil, and the other the interest payable on the capital expended in making those qualities productive. In England, on every principle of justice and equity, both belonged to the landlord; but in Ireland the landlord was only entitled to payment for the natural qualities of the soil, the assumption being that the capital and labour required to bring it into a productive state had been expended and applied by the tenant. Down to 1870 the landlord had the power of raising the rent, with the alternative of evicting the tenant and appropriating the full amount of these two elements, to only one of which, in equity, he had any right whatever. By the Act of 1870 the grievance was considerably modified as regarded the tenure, and the landlord was deprived of the unlimited power of evicting the tenant; but the blot on the measure was that it did not affect the question of rent at all. These were matters which affected the view the noble Duke (the Duke of Argyll) had taken of the intrinsic merits of the Bill; and he (Viscount Monck) hoped their Lordships would give them consideration, for they might modify what the noble Duke had said. It might not be a popular doctrine in that House, but it was not one of yesterday with him (Viscount Monck), that the course of events in Ireland had

amounted to the gradual creation by the tenantry of a property in the land, which had become so thoroughly incorporated with the property of the landlord that the only way of meeting the equity of the case was to give a joint interest to the landlord and the tenant. He might also say that he was not ashamed of the "three F's." Whether in capitals or small letters, they were large enough to confer a considerable benefit on the tenants of Ireland, and it was one to which they were entitled by every principle of justice and equity. It was argued that the Bill could not confer great advantages on the tenants without taking something from the landlords; but the possibility of the argument was principally due to a non-definition of terms. Unquestionably, great advantages were given by the Bill to the tenants, and the landlords did lose something. His noble and learned Friend the Lord Chancellor of Ireland (Lord O'Hagan) said they lost their amenities; but the only definition he seemed to give of amenities was the right of evicting tenants. Undoubtedly, the landlords would lose that, and the tenants would gain security of tenure; but the landlord would not lose in a pecuniary sense, except where the tenants were too highly rented. But when they talked of losing and gaining, the advantage which the tenants would gain by the Bill was this—that it would give them security both for their tenure and for their rent, and the landlord would not lose in a pecuniary sense, were his land only fairly let. He would get the same monetary return as he had hitherto obtained. A good deal had been said about the Court which was to be established, and which was to consist of three Commissioners; but he (Viscount Monck) had the highest confidence in that tribunal. He could tell the noble Marquess opposite (the Marquess of Salisbury) that he happened to know Mr. Serjeant O'Hagan, and believed the only fear was that the constitution of his mind was such that, from conscientious fear of giving effect to his inclination rather than his judgment, his decisions would be likely to incline in the direction opposite to his opinions. He could not help thinking that the duties of the Commissioners would be very analogous to those discharged by Courts in several cases. They would, in fact, constitute a Court

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of Arbitration, which the noble Duke admitted to be an excellent institution. And now one word about tenure. The system of tenure proposed in the Bill had been denounced as unsatisfactory and barbarous, and a step of a retrograde character. He should like, however, to see how its provisions worked before he assented to such a sweeping opinion as that. His thorough belief was that the Bill was the only way they could fairly deal with the question, although it might be a clumsy sort of mode of doing it. As to the arguments based on the expediency of an exactly similar system of Land Laws for the United Kingdom, he would say that they must not sacrifice the peace of the country and the probability of reconciling interests which clashed in Ireland to the symmetry of a system of Land Laws or land tenure. In the present circumstances of Ireland, freedom of contract, he maintained, could not subsist. If his contention was correct, the tenant had created a property in the land, and the real confiscation and invasion of the rights of property was that which deprived him of what he had created by his industry and capital. As to the question of political economy, he was puzzled to know how it had arisen. He always thought that political economy dealt with the production of wealth, and that anything which tended to the production of wealth could not be opposed to political economy. So far was this Bill from being an invasion of the principles of political economy, that he maintained it was in harmony with them, and carried at least one of its leading principles. As to free sale, he did not apprehend it would eat up the landlord's interest. Hitherto, in the North of Ireland, the free sale of tenant right had been notoriously restricted by office rules. There were very few large estates in that part of Ireland on which free sale prevailed, and the natural tendency of such a state of things was to enhance the value of the tenant right on those estates where it existed. His opinion was that the extension of tenant right to the whole of Ireland would lead to a reduction of its price. But after all was said, the great question was—What would be the effect of this Bill? He was old enough to have been able to follow the course of Irish politics for nearly half-a-century; and al-

though it might seem strange in the present condition of things to say so, he held that an enormous improvement, both in feeling and in material prosperity, had taken place under his eyes in that part of the Kingdom. He thought he could trace that improvement almost directly to the conciliatory change of policy adopted towards Ireland, as regarded remedial measures, by all Parties during the period he had mentioned. Of course, it would be rash to prophecy; but he had great confidence in the continuance of that conciliatory policy as evinced in the form of the present Bill, founded as it was upon the principles of equity, guided by sagacity and courage. He had endeavoured to lay before their Lordships the reasons why he thought this Bill founded on principles of justice. He believed its construction exhibited also the qualities of sagacity and courage. He could not help hoping and expecting that that great and statesmanlike measure would be passed by their Lordships, and that would have the effect of restoring quiet and contentment in Ireland, and of weaning the minds of the mass of the people from those recurrent political agitations which had unquestionably retarded the material and moral progress of the country, and which never could have attained the height they had reached if they had not been founded on a well-grounded sense of injustice.

THE DUKE OF MARLBOROUGH: It was with very considerable gratification, my Lords, that I heard the noble Duke (the Duke of Argyll) attempt to trace the political causes to which this Bill is due. In the few observations I shall venture to offer I shall endeavour to draw your Lordships' attention to one source of political pressure in connection with the measure which has not hitherto been referred to by any of the noble Lords who have addressed the House. My noble Friend (the Marquess of Salisbury), who followed the noble Lord who moved the second reading of the Bill, drew attention in a marked manner to some speeches made by the noble Lord, then Mr. Chichester Fortescue, and by the noble and learned Lord now sitting on the Woolsack, which are entirely inconsistent with their action in regard to this measure. It would not be difficult to produce a whole array of speeches of the same character. It is

[Second Night.]

not, however, my intention to occupy your Lordships' time by lengthy quotations in proof of inconsistency. But if I wanted an ample refutation of the principles of this Bill it would be found in this fatal volume of *Hansard*, which records the opinions of public men, and which is full of retractions and recantations and disavowals of previous opinions. Their name is legion, and if I were to attempt to draw forth a refutation of the principles of the Bill I could quote as witnesses Sir Robert Collier, Baron Dowse, Mr. Chichester Fortescue, Mr. Gladstone, Lords Granville and Hartington, Mr. Hugh Law, and Sir Roundell Palmer. The opinions of those Gentlemen have furnished the most complete answer to the principles of the measure now before your Lordships, which those who put them forth now advocate with an ardour only equalled by the success with which they previously condemned them. With this host of witnesses who some time ago condemned the principles which they now approve and advocate, it is natural to ask, What has been the cause of this very remarkable change of opinion; but that would lead me to trespass too much on your Lordships' time. But the point to which I would draw your Lordships' attention is one not hitherto noticed—that the present Bill is the result of a successful and most dangerous agitation, and one to which I venture to allude because the events connected with it passed under my own observation during the time I had the honour to occupy a high post in Ireland. Your Lordships are aware of the failure of the Fenian movement in 1866 and 1867. The result was that the Fenian organization in Ireland was utterly broken up, discouraged, and powerless for action. The Fenians were broken into parties in which every section of opinion was represented. In 1878, there appeared a very remarkable letter from a very remarkable man named John Devoy, who took refuge in America after the Fenian troubles, and who, finding the state of affairs as regarded any insurrectionary movement was hopeless, penned these remarkable words—

“I am also convinced that one section of the people alone can never win independence, and no political Party, however devoted or determined, can ever win the support of the whole people if they never come before the public and

take no part in the every-day life of the country. I have often said it before, and I repeat it now again, that a mere conspiracy will never free Ireland.”

In addition to that, the writer goes on to say that the particular point on which attention should be concentrated was the reform of the Irish land system. Now, that letter was written in 1878, and in 1879 the first of its results appeared in the formation of what was called the Tenant Defence Association in Dublin. The first meeting of any importance in connection with that Association was in the Spring of 1879, in the Autumn of which year was formed the Land League, of which we have heard so much. Your Lordships are aware of the course of events in 1879, and of the opportunities afforded by the distress for the agitation against rent. In 1880 the Land League was in full swing, and we had these remarkable words of Mr. Parnell, which indicated the coming policy that was to predominate in Ireland—

“What can we do to induce the landlords to see the position? You must show them that you intend to hold a firm grip of your land; you must not allow yourselves to be dispossessed.”

And on another occasion he used words which have a still more remarkable bearing; he said last Autumn—

“Depend upon it, the measure of the Land Bill next Session will be the measure of your activity next winter. . . . It will be the measure of your determination not to take farms from which others have been evicted, and to use the strong force of public opinion to deter unjust men from bidding for such farms.”

These words sufficiently indicated the intention of the Leaders of the movement, who advised the formation of a common platform and the taking of a new departure, from which their agitation might be successful, and they were followed by the formation of the Land League, when Mr. Parnell, in his speeches, laid most stress on this, that the Land Question would unite them all, and that the determination to pay no rent would bring about a satisfactory measure of reform. I may be asked what connection there is between all this and the measure before us, and I believe I have shown that that connection is not far distant. We were told by the noble Duke opposite (the Duke of Argyll), in a previous speech in this House, that when the present

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Government came into power, there was no intention of altering the Land Act of 1870 by the introduction of another Land Bill; and it is simply and solely to the success which that agitation was allowed to achieve that we are indebted for the introduction of the Bill. Disorder, confusion, and outrages took place during the Winter and Autumn of 1880, and I believe those outrages so acted upon the sympathetic mind of the Prime Minister that they induced him to consider it necessary to overthrow those principles which he and many of his supporters enunciated in 1870 as sound principles of Constitutional Law, and to bring in a measure which has no parallel even among the revolutionary measures the Premier has ever introduced to Parliament. The noble and learned Lord who spoke last night (Lord O'Hagan) laid great stress on the fact that the measure was necessary to produce peace in Ireland. If it were so, I should not object to it; but, judging from the past, and from the advice which has been, and is still being, given to the people, I think we have only to consider what are the particular objects of contention in Ireland at the present time to form a very accurate conjecture as to whether the measure will be productive of peace. We know the advice tendered to the Irish tenants, and the suggestion that they should pay nothing but a fair rent for their holdings. What is the explanation of the term "fair rent?" The fair rent, as explained by those who exercise the greatest influence among the Irish tenantry, is that after they have suited their own requirements, paid their just debts, and laid by a provision for their families, they may then pay what remains to the landlord. That is the rent that the tenants have been advised to pay. The other precept of the Land League is that no tenant shall take any land from which another has been evicted. Now, will the Bill remove any of these grievances and difficulties? The rent under the Bill will be a judicial rent. It may give satisfaction; but it may not. If it does give satisfaction all will be well; but if rents are not fixed on just, fair, and equitable principles it will not be satisfactory. But if it be not, the agitation will not come to an end. Do you think this Bill will necessarily stop evictions? No; evictions will continue, but this great ad-

vantage, I presume, will remain to the landlord, that when nearly all control of his estate is taken from him he will have to carry out evictions in his own name. But if the Bill does not stop evictions, can we hold that the injunctions laid down by the Land League will be deviated from, or that there will be greater peace and order in Ireland? I heard, with particular interest, the noble Duke speak of this measure as involving transactions of an improvident and almost immoral character. It appears to me to be like a great gambling transaction, in which payment of a bill is postponed to a distant date, while a certain sum is given to the immediate drawer. This Bill, by one stroke, deals simply with the tenants of the present in Ireland, and puts an enormous sum of money into their pockets. The rateable value of Ireland, exclusive of Ulster, amounts to £11,393,000; and if we add to that 25 per cent, the probable excess of the rental over the rateable value, we find that the rental of Ireland, exclusive of Ulster, comes to £14,242,000. Now, as we have the remarkable provision standing in the forefront of the Bill that every tenant shall be allowed to sell his tenancy for the best price he can get, assuming three years' purchase a moderate sum for the tenancy, the Bill will put the sum of £42,000,000 into the pockets of the tenants existing at present; and at seven years' purchase it will be £100,000,000 into their pockets. I think that justifies the statement of Mr. Baron Dowse, that the Bill simply deals with existing tenants, and that it is not necessary for it to provide for the future. Now, where does that sum of money come from? It comes from the pockets either of the tenants for the future or of the landlords. In the latter case, it is so far a loss of interest on the money they pay for the redemption of their estates, or it is a loss of rent that can never be replaced; in the former, it becomes an increase of rent paid by the tenants, but not received by the landlords. The great difference between this Bill and the Act of 1870 is that that Act offered an inducement—a strong one—to tenants to remain in the quiet possession of their holdings. Under that Act they were to have compensation for disturbance of tenure; and therefore, under the shelter of that provision, they might

profitably and safely farm their lands. But this Bill will invite tenants to quit their holdings, and, treating as it does all tenants alike, will offer a premium on idleness and unproductiveness on the part of the tenant. A system like the Irish land system is one of extraordinary complexity and diversity, yet the Government have proceeded in a rough-and-ready way to deal with the multitude of different circumstances which must necessarily arise in practice. I can conceive nothing more calculated to encourage the spirit of gambling and speculation that exists among the Irish tenants than the facilities given by this Bill to enable them, both provident and improvident—those who have effected some improvements and those who have not—to obtain from the Court a statutory term of 15 years, and then to go into the market and sell their interests for the highest price they can get. What can be more unreasonable, for example, than that a tenant who has only been in his holding for six months should stand in as favourable a position as another who, together with his family, have held the farm for six generations? To both, however, it offers the same facilities. We have heard a good deal about the village tyrant; but there is another person who is well known to Irish landlords, and who is a still more objectionable character—namely, the village “gombeen.” During the great distress in 1880 many loans were made, and the calling in of these loans was one of the principal sources of the poverty and distress which now pervaded Ireland. Among the many disadvantages which encumber the system of free sale is this—that, as the noble Duke has said, it precludes every man from obtaining a holding except by the payment of a considerable sum of money. That system may work very well in Ulster, for in that Province there is an industrious and a frugal population, and a system which works well there may be detrimental in other parts of the country. This Bill reminds me of the story of Samson in the arms of Delilah. All the power of the landlords is gone, all their strength expended, and the cry is raised—“Up, for the Philistines are upon you.” The Winter of 1879-80 was a most instructive one. I know nothing more commendable than the self-denying character of the Irish landlords

during that trying time. But will that feeling remain after the passing of this Bill, when we have abstracted from the landlords every interest in their property, all their proprietary rights, and have fixed their rent by a judicial decree of the Land Court?—when we have, in fact, reduced them to the position of mere rent-chargers upon their estates. I do not think that they will submit to the same deprivations and show the same kindly spirit and feelings towards their tenants. On the contrary, they will stand upon the letter of the law. The effect of the Bill will be to impose a fine of enormous magnitude upon the landlords of Ireland. It is said that the landlords will be able to enforce the payment of their rents by civil process; but I fear that after the passing of the Bill the dangers attending the collection of rent will be the same as now. We are also told that they may redeem their farms; but some landlords possess thousands of them, and they will not be able to exercise that right. I contend that during the first period of 15 years for which the Court can fix a tenancy, we shall see a change in the relations between landlord and tenant which will make the latter the virtual possessor of his farm. In 1870, Mr. Gladstone said—

“As I understand it, the scheme itself amounts to this—that each and every occupier, as long as he pays the rent that he is now paying, or else some rent to be fixed by a public tribunal charged with the duty of valuation, is to be secured for himself, and his heirs, in the occupation of the land that he holds, without limit of time. He will be subject only to this condition—somewhat in the nature of the Commutation of Tithe Act—that with a variation in the value of produce the rent may vary, but it will be slightly, and at somewhat distant periods. The effect of that provision will be that the landlord will become a pensioner and rent-charger upon what is now his own estate. The Legislature has, no doubt, the perfect right to reduce him to that condition, giving him proper compensation for any loss he may sustain in money; the State has a perfect right to deal with his social status, and to reduce him to that condition if it thinks fit. But then it is bound not so to think fit unless it is shown that this is for the public good. Now is it for the public good that the landlords of Ireland, in a body, should be reduced by an Act of Parliament to the condition practically of fund-holders, entitled to apply on a certain day from year to year for a certain sum of money, but entitled to nothing more? Are you prepared to denude them of their interest in the land; and, what is more, are you prepared to absolve them from their duties with regard to the land? I, for one,

confess that I am not; nor is that the sentiment of my Colleagues. We think, on the contrary, that we ought to look forward with hope and expectation to bringing about a state of things in which the landlords of Ireland may assume, or may more generally assume, the position which is happily held, as a class, by landlords in this country—a position marked by residence, by personal familiarity and by sympathy with the people among whom they live, by long traditional connection handed on from generation to generation and marked by a constant discharge of duty in every form that can be suggested—be it as to the administration of justice, be it as to the defence of the country, be it as to the supply of social, or spiritual, or moral, or educational wants—be it for any purpose whatever that is recognized as good and beneficial in a civilized society. Although, as I have said, nothing would induce me voluntarily to acquiesce in a continuance of such a state of things as has prevailed, and still, to a great extent, prevails in Ireland—it would, I own, be a most melancholy conclusion were we to find that we could not rectify that which is now wrong in the land tenures of that country without undertaking a social revolution, a social revolution in which the main characteristics would be the abolition of wealth and property from the performance of duty, and an addition to that lounging class—unfortunately too abundant in this country—who are possessed of money and of nothing else, and who seem to have no object in life but to teach us how to multiply our wants and to raise the standard of our luxuries, even when we have not yet solved the problem, or got to the heart of the secret, how we are to relieve the destitution which is pining at our doors.”—[3 *Hansard*, cxcix. 351-2.]

Now, the provisions of this Bill will have the effect which the Prime Minister contemplates in these words. I very much doubt whether the land hunger of which we hear so much will be assuaged by the means provided by this measure.

“*Crescit indulgens sibi dirus hydrops,
Nec sitim pellit, nisi causa morbi
Fugerit venis, et aquosus albo
Corpore languor.*”

I hold that in time the tenant's interest must completely absorb the interest of the landlord, and we shall some day see an agitation in Ireland productive of still more revolutionary demands, and directed, not against unjust rents, but against rent of any kind. I believe that the Irish people will soon perceive that by a judicious exercise of the powers conferred upon them by this Bill, that by enlarging their own interests and contracting those of the landlords, the whole interest in estates will pass into their hands, and that it will require but a slight shock to overthrow the remaining structure of the landlord's property in Ireland. I wish to say one or two

words about the constitution of the Land Court. I have nothing to say against the gentlemen who will compose it, no doubt they are men of the highest honour and probity; but the Court, nevertheless, does not commend itself to me as a Court of the highest impartial judicial characteristics. It seems to me to partake of the nature of a Court whose members have been selected from the partisans of one political Party in order to give effect to preconceived ideas. In Serjeant O'Hagan we have the learned gentleman who assisted the Catholic Bishops of Ireland in the preparation of their criticisms upon the Bill, many of which were listened to. There is one of the recommendations which I rather think was made to find out which way the wind blows. It is a kind of explanation why the Prime Minister refused to sanction any re-arrangement for the re-appointment of the two lay Commissioners after seven years have expired. This last recommendation is that two Assessors should be associated with the County Court Judges, and have co-ordinate jurisdiction. These Assessors would be chosen by popular election. One of the features of the case which strikes me with the greatest alarm is the reception which the Bill will meet with in Ireland. It will be a very dangerous thing if, by a revolutionary measure, we hand over the whole of the property of Ireland to a system of hotch-potch, placing the working of the measure in the hands of those who will only work it in a manner which is conducive to their own ends. Yet there is another Court in Ireland to which I have already referred—a Court not nominated by the Queen—whose decisions are secret, which now claims to regulate, and does regulate, the affairs of the whole country. That is the Court which the Government has obeyed, which will administer this law and promulgate it throughout Ireland. The existence of this Court is one of the most dangerous elements in the question. I admit that it is not possible to reject this Bill in face of the powerful Land League which has been raised in England and Ireland; but I cannot for one moment join in the hopefulness as to the future of Ireland which, in consequence of this Bill, is entertained by the supporters of the Government. The picture which I draw is certainly not a very cheering one, because I believe that when the Bill is sent

to Ireland it will be the signal for further disorders in that country. It will be seen that agitation has produced successful results; that concessions have been made to disloyal people; and the advent of this measure in Ireland will be the signal of the departure, before any great number of years have elapsed, of what has been termed the "English garrison." The destruction of the National Church in Ireland was one, and this will be another, among the many monuments to the transcendent ability, but, at the same time, ill-regulated optimism, of the right hon. Gentleman the Prime Minister.

VISCOUNT POWERSCOURT said, as a Member of the Irish Land Tenure Committee, he felt he could not give a silent vote on that most important question. That Committee was appointed last winter, as their Lordships knew, for the purpose of sketching out the general lines on which it was desirable to legislate with reference to land in Ireland; and, feeling as he did very earnestly upon the question, he should like to lay his views before their Lordships with regard to some of the broad principles of the Bill. He maintained that, whether tenant right had been given by the Bill or not, it existed, as was proved both by the Richmond and Bessborough Commissions, in consequence of the labour of the tenants' hands, the reclamation of land, the erection of buildings, and the long occupation of holdings. Therefore, the difference between the practice of England and Ireland as regarded improvements was essential to the proper conditions of the Bill. It was the custom in England for landlords to erect, and also to maintain, all the buildings necessary for the occupation of the farms, and to drain the lands at their own expense. This, however, had never been the custom in Ireland, and could not be, with its system of small farms. When an Irish tenant applied to his landlord for improvements on his holding, the landlord said he could not do the whole of them. The tenant thereupon would ask whether if he did a part he would be given a security. The landlord consented, and the principle of tenant right was thereby established; for, of course, the improvements made by the tenant were his property, and no landlord would charge rent upon such improvements. But sometimes the

tenants wanted improvements of a more important character, and the landlord agreed to borrow money from the Board of Works, or became security for the money, to effect them, and an agreement was made that the tenant should pay interest on the loan in the shape of an increased rent. This increase became a permanent increase; and though the money was repaid in 35 years the charge continued. That, he thought, was perfectly fair, as the land was permanently benefited. Of course, if the Bill was passed, and tenant right became universal, landlords would probably only erect buildings strictly on these terms. Many landlords, in fact, had erected buildings before this, and never charged anything to the tenants at all. He had adopted that plan himself. He strongly supported the recognition of the tenant's interest, which was established in the Bill, and by no means agreed with the noble Duke (the Duke of Argyll) on the question of tenants' improvements, which were a real item in the question. He hoped their Lordships would not agree to any limiting Amendments of the Bill of the nature proposed by Mr. Heneage and Lord Edmund Fitzmaurice in the other House of Parliament. He did not believe there existed one estate in Ireland which was really managed on the English principle, and on which all the improvements had been the work of the landlord. He thought, too, it was most undesirable to create two different classes of tenants in the country. He considered that the object of this measure was to put all the tenants of Ireland upon an equal footing, and he thought that such an object could not prejudice the landlords in any way. He deprecated the creating of jealousies and distinctions, and let them not enable a tenant to complain that he did not possess tenant right while his next-door neighbour did. It was also noticeable that the Amendments proceeded from English and not Irish Members of Parliament. He regretted very much to say that he was afraid there would be great efforts to emasculate the Bill. He thought that would be a narrow, selfish, and short-sighted policy; and what they ought to do in the present state of Ireland was to give full tenant right, with free sale. He did not think that when the Irish tenant got tenant right such as the Bill would give

him he would be so very anxious to acquire the fee simple. Nevertheless, every facility ought to be put in the way of the tenants becoming the owners of their farms where the landlord was willing to sell. The great point with the Irish tenant was security in his holding and a fair rent. He would also object to any limitation of the principle of free sale as laid down in the Bill. They ought not to attempt to limit the price for which tenant right was to be sold. He was of opinion that the purchase and sale of the tenant right ought to be guided by the market price; and he did not think it would ever be worth the landlord's while to purchase the tenant right; he might just as well throw his money into the sea, except in cases of fraudulent tenants, when he could protect himself by the power of pre-emption provided in the Bill. He did not look upon the Bill as one for the confiscation of the landlords' property, but rather as a recognition of tenant right, believing, as he did, that if they granted security to the tenant they would also secure the landlord, for they must stand or fall together. He asked the House to remember the state of Ulster, where tenant right existed, and to compare it with the rest of Ireland, and say whether the landlords' property was not more secure in Ulster than in other parts of Ireland. He hoped their Lordships would recognize that principle, and that both landlords and tenants would enter into their new relations with mutual respect and cordial co-operation.

EARL FORTESCUE: My Lords, I entreat your kind indulgence for a few remarks which I desire to make upon this Bill as an Irish landowner directly interested in its immediate operation, and as an English landowner prospectively interested, with most of your Lordships, in the formidable precedent which it establishes. It is painful to me to be compelled to speak as I shall have to do of this Bill, brought in by a Government comprising many with whom I have long, as a Liberal, been in the habit of acting in politics. But it is more painful to think that a Liberal Government could thus repudiate wholesale their recent professions and promises. It is they, not I, that have changed opinions since I supported their Land Act of 1870. The view I take of this Bill and its antecedents is only consistent with

that deep conviction of the paramount importance of law and order, and that attachment to the principles of Free Trade, including freedom of contract for adults, which I have always felt and maintained from my youth upwards. But freedom of contract for adults only, for I well remember repeatedly voting in favour of protection to really helpless factory children from overwork against Mr. Gladstone and Mr. Bright. Before, however, considering this Bill and its probable effects, I would ask leave to glance for a moment at its causes and antecedents. We hear, on the unimpeachable authority of the noble Duke who addressed us so powerfully to-day, that an Irish Land Bill formed no part of the original programme of the present Government; nor, indeed, we learn from competent authority, of the Liberal Party either; for 300 addresses of Liberal candidates at the last General Election contained, we are told, no allusion to it. So we have to seek *aliunde* the reason for the introduction of a measure so conflicting with the positive assurances given, and principles emphatically laid down, by the authors of the Act of 1870. The noble and learned Lord the Lord Chancellor of Ireland spoke, indeed, of resolutions passed at small meetings in the North of Ireland on the subject, and, like one or two other noble Lords, built up an enormous superstructure on some expression in the Report of the Duke of Richmond's Commission. So we have heard, also, of the necessary, though unsuspected, development of the Act of 1870. But we find the real reason, as virtually admitted by my noble Friend the Lord Privy Seal, in the lawless condition into which Ireland has been brought since this Government's accession to Office. They cannot deny that Ireland was handed over to them tranquil and orderly—not, indeed, in a state of comfort and satisfaction—owing to the operation of the Land Act—previously almost unknown, as was erroneously stated by Mr. Gladstone just before the General Election; but tranquil and orderly, though disaffected, as was clearly discerned by the calmer judgment and deeper insight of his illustrious Predecessor, and was publicly proclaimed by him in his memorable letter to the Duke of Marlborough. In the Queen's Speech, in speeches in Parliament, and in speeches elsewhere, the present Government re-

peatedly announced their determination to govern Ireland on different principles and by different methods from those of their Predecessors; and this they certainly have done, as far as they can be said to have governed Ireland at all. In spite of the public remonstrances of those Predecessors, and of the confidential warnings of the stipendiary magistrates of Ireland, they, with marked self-complacency, refused to renew the Act prohibiting the importation of arms; and tens of thousands of firearms have been, in consequence, introduced into Ireland since their accession to Office. I impute no motives—I state facts. I am not going back to the Prime Minister's unfortunate Clerkenwell speech before the Dissolution. But later during the Recess last Autumn, after the outrages had commenced in Ireland, Mr. Bright—perhaps the first orator in England—went down and addressed his constituents. I remember his speech occupied more than a column in the newspapers. It was full of the injustices of Irish landlords and of the wrongs of Ireland; but there were not more than a few lines of decorous deprecation of violence in it altogether. Nor did any language of his right hon. Colleague tend at all to diminish the mischievous influence of that speech. Now, it is obvious that a systematic refusal to pay rent, accompanied by intimidation and even a certain amount of outrage towards those who paid it, or were engaged in obtaining its payment, would facilitate the object of those who desired a stringent and confiscatory Land Bill to be passed. The persistence in such lawless refusal and outrage would dispose needy and timid Irish landlords to accept almost any terms enabling them promptly to recover part of the money due to them, and would incline the people of Great Britain to acquiesce in legislation inconsistent with their habitual respect for the rights of property for the sake of obtaining a peaceful solution of the ever-recurring troublesome problem of Irish disaffection. The lawlessness spread and increased, till the law of the land was superseded, as the Government had to admit, by the law of the Land League, through county after county in Ireland. For months this dangerous and discreditable state of things was helplessly acquiesced in by the Government, till at last, in January, they felt compelled to

propose a Bill to suspend the Habeas Corpus Act there. Somewhat later, even the Members for Birmingham, conspicuous by their absence from some of the earlier divisions on that Bill, were roused by the Land League's insolent defiance into speaking out. How useful these speeches would have been if made last Autumn! I will not yield to any one of the Government, or their supporters, my claims to be considered a friend to humanity. In the cause of suffering humanity, if I have effected little, I have worked hard and suffered somewhat. In that cause I have stood by the bedsides of the dead and dying of cholera and fever; I have visited the most infectious wards of workhouses and of hospitals, incurring some risk, unfortunately not always with complete impunity, by doing, rarely and at intervals, what thousands of brave medical men and ministers of religion do daily as a matter of course. But I feel no respect for the humanitarianism which has more regard for the lives and limbs of the law-breaking and law-defying than those of the law-abiding and law-enforcing; which calmly exposed brave soldiers and policemen—armed, indeed, but rendered practically defenceless by the authorities—to insults, wounds, and even death, from seditious mobs or cowardly assassins; which made the magistrate to bear the sword in vain; and which, consequently, left a certain number of loyal subjects for many months to suffer depredation, outrage, and even murder, and thousands more to remain helpless under the daily apprehension of similar treatment to themselves or their families. Conscious of the discredit attaching to them in consequence, the Prime Minister, followed by many of his Colleagues and of his supporters, began last Autumn, and has continued intermittently ever since, attributing the lawless state of Ireland to your Lordships' refusal to pass his Compensation for Disturbance Bill last Session. Now, as I took great pains to persuade several Friends of mine to come up and swell the majority of Liberal Peers, which would, of itself, have sufficed, without other aid, to throw out that Bill, I must be allowed to say of that discreditable abortive attempt at Ministerial legislation that it was the fitting precursor of this measure. For, in all its Protean

variety of phases, from its first sudden introduction, contrary to all precedent, as a supplementary clause to a Relief of Distress Bill down to its final rejection by an almost unexampled majority of this House, its principle was confiscation with repudiation of contract. And both these measures have been alike mis-described by the Government. As that Bill was founded on the anticipation of general cruel exaction—unjust, though legal—on the part of the Irish landlords, who have been since, as a body, triumphantly acquitted of this charge by the Prime Minister, so this Bill was avowedly based on the Report and Evidence presented by a one-sided Commission, of which I need now only say that they could find time to admit an anonymous letter as testimony against a landlord, but could not find time to give the hearing which they had promised to the landlords to rebut the charges made against them individually. That Bill professed to be local. It should rather have been called general with local exceptions; for it applied to more than half the acreage of Ireland, and to more than two-thirds of the acreage not already otherwise provided for by legislation. It professed to be temporary; yet it dealt *inter alia* with changes of tenancy—that is, with arrangements of *ex hypothesi* more than 18 months' duration. It professed to apply to distressed districts only; yet its Schedules comprised numerous large tracts where the good crops contrasted markedly with those in many large really distressed districts in England and Wales. So this Bill, we are assured with corresponding intrepidity by the Government, is not to confiscate, but to raise in value landed property in Ireland; to benefit not the tenant only, but the landlord also, and especially the labourers. That our rejection of that Bill, notwithstanding the large majority by which it passed the other House, was readily acquiesced in, if not approved, by British public opinion, we learn, not only from the reasoning and testimony of the always honest and fearless Postmaster General, but still more conclusively from the conspicuous failure of the Government to get up successful indignation meetings on the subject anywhere out of Ireland. I agree with that able and courageous Minister that we may find in that fact a strong argument in favour of your Lord-

ships passing a Land Bill, which I feel satisfied is now demanded by the public opinion of Great Britain as well as Ireland. But I go further, and find in that fact also an encouragement for this House fearlessly to modify those confiscatory clauses which in this Bill, as I read it, deal hardly with the Irish landlords in proportion to the good which they and their predecessors have done, and the forbearance which they have shown, to their tenants. The noble Marquess who spoke with such remarkable ability from these Benches yesterday exposed the Ministerial misrepresentation that this Bill had been rendered necessary by the extensive mutilation of the Land Bill of 1870 in this House; the chief mutilations having been made by the present Lord Chancellor, the present Irish Chancellor, and the present Foreign Secretary. So much has been already said so ably about this Bill that I will only now repeat that it establishes free sale everywhere in Ireland, whether previously prevailing or not on an estate—nay, more, none the less, where the landlord has made large and long-continued sacrifices to exclude it. This Bill not only presents the tenant with what he has never bought, but what the landlord has paid heavily to prevent his buying. Why should he be empowered to sell at a high price for his own benefit alone, to whoever he pleases, the enjoyment of a holding rendered all the more valuable by the improvements to which the landlord has contributed without raising his rent, sacrificing for years that contribution with compound interest? This is what my predecessors and I have done for more than half-a-century, and this is what most other improving Irish landlords have done also. Moreover, thinking it undesirable for a new tenant to enter upon a new holding, or an old tenant on an enlarged holding, not only exhausted of capital, but probably also encumbered with debt, we have not allowed the incoming tenant to discharge the arrears of his predecessor in the holding; these arrears being sacrificed in my case generally to the amount of at least two years' rent during more than half-a-century for the sake of the well-being of the tenants and the better cultivation of the estate. But why should all this be presented to the tenants, who have already themselves for years enjoyed the benefit of these sacrifices of

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their landlords? And how much harder are the cases of estates managed on the English system, where the landlord has made the improvements of all kinds, instead of only helping the tenants to make them, like myself and most Irish landlords! Still worse, however, if possible, as a matter of principle than this, the Bill, as it stands, enacts that written contracts shall be void, and leases not made under *durese*, but willingly taken by tenants cognizant of their provisions and voluntarily agreeing to them, shall be arbitrarily invalidated; on account, I suppose, of the helplessness of the leaseholder, even if he is occupying land on lease worth £1,000 a-year. Can there be a case to which Mr. Gladstone's forcible words of 1870 more strongly apply?—those words, I mean, so often quoted, as to the demoralizing influence that legislation must have which facilitates and encourages repudiation of contract. And I, as an Irish landowner, frequently visiting that country, and, in earlier years, sometimes resident there for weeks and months at a time, venture to say, from my own experience, that any such influence is particularly undesirable in Ireland, where all classes have too much indulged in what one of the Alabama Commissioners is reported to have professed—namely, “a preference for less accurate modes of expression.” How far and when contracts are to be repudiated, what is a fair rent, and various other questions, are, by the Bill, left absolutely to the discretion of the new Court to be created. Upon the composition of that Court I shall say nothing. I never heard even the names of two of its members before, nor that of the third except in connection with the House of Commons. But, however able and impartial they may be, I think it a dangerous thing to place the interests of the Irish landlords and tenants completely at the mercy of a Court without appeal, and with so little in this Bill of direction on some very important points. All the other Judges in the land, however eminent, act under the control of statute and precedent. Some of the language in the Bill is very vague; and this new Court, obviously, can have no precedents for its guidance. But, further, this Bill is distinctly retrograde in its conception. It encourages and multiplies those divided ownerships in land, which for many years

the public opinion and legislation alike of this and other countries in Europe have discouraged and superseded. You must go to India to find precedents for such a measure. In England, successive statutes have long been facilitating the conversion of copyholds into freeholds and the extinguishing of manorial and other dues upon fair terms. The noble Marquess told your Lordships how, in other European countries—in France, in Italy, in Spain and Portugal, and in Germany—land tenure had been more and more simplified, and mediæval dues more and more superseded by money payments. The metayer system, once very prevalent in Europe, is being gradually replaced by money rents, especially where improvement is greatest. In Belgium, of which, but for Mr. Jenkins's instructive Report, we should probably have heard more said by the Government, metayage, once rife, now survives only in a few polders near the German Ocean. The noble Marquess told your Lordships how the great Land Reform in Prussia, begun by Stein in 1807 or 1811, but not completed till 1850, did not consist, as Mr. Bright erroneously stated some time ago, in taking one-third or one-half of the land from the landlord, and giving it to the tenant; but consisted in taking some such amount from the tenant and giving it to the landlord in lieu of the labour and other dues, which, under the previous system, he could claim from the tenant; and, at the same time, exonerating the landlord from claims for assistance of various kinds from the tenant; thus rendering each class very nearly independent holders of their respective lands. I might cite the land legislation of Hesse, begun in 1811, but not quite completed till 1849, which is fully described by Mr. Morier in a very able Report, because, though the territory is small, its condition was typical of much elsewhere in Germany, and the success attending that legislation rendered its example very influential. But I will not trouble your Lordships with it. I will only add Mr. Morier's summing up—

“The one ruling idea of the agrarian legislation of Hesse, and, indeed, every part of Germany, during the present century has been to extirpate double ownership, and substitute in lieu of it full, unhampered rights of allodial” (or, as we should say, freehold) “possession.”

Earl Fortescue

But all this has been done with scrupulous regard to the just rights of both parties. It was everywhere in Germany an equitable adjustment of the fair claims of each—not a confiscation of the property of either for the benefit of the other class. Far the greater part of this Bill is devoted, not to equitably extirpating, but to confirming and perpetuating divided ownership where it already exists, encouraging—nay, compelling—its creation where it does not; and doing this, not with fair compensation, but by scarcely disguised confiscation. We must consider this Bill, however, not merely as regards its injustice or its retrograde character in relation to the more recent legislation and public opinion of the most civilized countries of the world; we must look also at its probable results by the light of political economy, which was described by Mr. Lowe some years ago in the House of Commons as the one safe oasis wherein to rest in the dreary desert of politics. I know that political economy has been, by one leading member of the Cobden Club, amidst the applause of many other of its influential members, relegated to some distant planet. But political economy has an inconvenient habit of, sooner or later, vindicating its truths and the predictions of its disciples by results. Within the present century a powerful Finance Minister in his day, Mr. Vansittart, on behalf of a strong Government, carried by a large majority through the House of Commons a Resolution affirming that a guinea was worth only a pound note and a shilling, and yet guineas continued to be none the less sold next day for 27s. in London for exportation. The highly protective Corn Laws of 1815, 1822, and 1828, with elaborate sliding scales, avowedly intended to secure a steady remunerative price to the British farmer, though triumphantly carried, did not prevent agricultural distress from twice, at an interval of about 10 years, reaching such a point as to engage the serious attention of the Legislature, and on each occasion to cause the appointment of Parliamentary Committees to inquire into the cause and, if possible, suggest remedies for the distress. The later Protectionist Corn Law of 1842, to which Mr. Gladstone was a party, and of which I was, unworthily, selected to move the rejection of the second reading—that law, specially intended to insure steadiness

and moderation of price under a sliding scale of duties doubling the profit and loss on each transaction, though not less triumphantly carried, also conspicuously failed of both objects, and was repealed by its authors four years afterwards. So we need not shrink from considering this Bill in its economical aspect. There can be no doubt that, whatever be the case elsewhere, in Ireland, the capital employed in farming is generally too small for the land to be farmed to the best advantage. Can it be economically desirable that under the influence of earth-hunger a tenant, before entering upon a new farm or upon an enlargement of his former holding, should be encouraged to spend all his capital, if not to borrow more, in order to buy the tenant right? Can it be doubted that the Ulster Custom was far more the consequence than the cause of prosperity in Ulster? Has not much of that prosperity resulted from the rural domestic manufactures long successfully carried on there, but unknown in the other parts of Ireland—all inferior in thrift, industry, education, and civilization, to Ulster? And now that these additional sources of profit beyond the farm have been largely superseded by chemical works and steam factories in towns, are there not indications that the burden of that custom is often found too heavy? Can it be desirable to give to thousands additional fixity of tenure in holdings each too small, even if rent free, to provide food for a family, and abounding by far the most where both soil and climate are unfavourable to tillage? Is not this to encourage a permanent local congestion of the population on spots where every bad season must bring them to the brink of starvation? Can it be desirable, for the real interests of the Irish farmer, to drive away the landlords; or, when they remain, so to diminish their influence, as to render them powerless to restrain the indefinite subdivision of holdings and multiplication of their inhabitants? The litigation under this measure will certainly be immense. Whether tenants, landlords, or labourers will be benefited by it or not, no one can doubt that the Irish lawyers will be so enormously. Can it be desirable that a large amount of capital should be spent on unproductive litigation, which, moreover, we know from experience is sure to generate and

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foster ill-will between the litigant parties? Then, can it be desirable, in the interest of the Irish labourers, still more numerous than the farmers, to drive away and dishearten the landlords, who employ so much more labour on their demesnes than do the farmers in proportion on their holdings? Will not the sudden withdrawal of the landlords' demand for labour, in consequence of this measure, tend to throw many men out of work, and to lower still more the already lowering, though till quite lately much improved, rate of wages in Ireland? And this brings me to the neglect shown by the Government, notwithstanding their professions of interest in it, to that, the largest class in Ireland, both in their Act of 1870, and in this Bill as originally introduced. In the Act of 1870, Clause 9, authorizing the landlord to take land for cottage building, I happen to know, had to be pressed upon them before it was inserted in the House of Commons; and sub-section 5 of Clause 12, giving similar power to take small allotments for the labourers' use, was introduced in this House. I have heard it said that there is no instance of these compulsory powers being used. But I, who have built a certain number of labourers' cottages in Ireland, despairing of the farmers ever doing so, should be very sorry to be without them. The Royal veto has not been found wholly inoperative by our Monarchs, though William III. was the last who actually exercised it. In like manner, there was not originally a single clause in the present Bill for the labourer's benefit. But then the labourers, though in general badly treated by the farmers, had not yet had recourse to intimidation or violence. Unfortunately, the discouragingly small amount of the fund provided for assisting emigration, through which alone relief can be obtained for the local congestions of superfluous population in the poorest districts, and, above all, the absence of almost all mention of field-draining in the Bill, and certainly of any provision for its extensive execution, together with the prominence given to reclamation in its provisions, afford sad evidence how little the Government have understood the real requirements of Ireland, and how much they have been influenced by clamour in the deviations which they have made in this measure from the strict principles of

political economy. The large present and prospective withdrawal of employment by landlords renders it urgently desirable to bring some productive work within easy reach of the labourers pretty nearly all over Ireland without long delay, and without necessitating their removal from their homes. Some field drainage, as distinguished from arterial drainage, is required, I am assured, in every neighbourhood in Ireland—almost in every parish in Ireland. In England, it is stated that about two-thirds of the cost of such draining has been in labour. In Ireland, where the draining would be more largely done with stone, the proportion would be probably greater, and the work would naturally be chiefly piece—not day-work—thus stimulating industry by enabling the industrious to earn good wages. The generally remunerative character of field, or, as it is sometimes called, thorough drainage, is well known. In some cases, its whole cost has been repaid by the increased crops in four years. But it may be reckoned, generally, to do so in 10 years, except in the case of very poor, stiff soils, in a wet climate; so that, with a moderate annual charge for interest, and the gradual repayment of the principal, not only would no loss, except in very rare instances, have been sustained by the landlords, even if the work had been done compulsorily on their lands, planned and superintended by Government officers; but considerable gain would have been realized in most cases by them, which would have been at least fully shared in by the labourers. Field drainage, and not the reclamation of waste lands on a large scale, is what a number of the best authorities, political economists, practical engineers, improving landlords, and land agents, recommend for Ireland at present on all grounds. Unhappily, it is too late now, consistently with Constitutional principles and Parliamentary usage, to remedy the neglect of the Government on this point in this Bill. But while field-draining has been virtually ignored by the Government in this measure, they have introduced clauses about the reclamation of waste land, happily still guarded by some precautionary words, likely, I hope, to render them a dead letter. For from what I have seen in Dartmoor, in Lewis, and in a land-locked bay adjoining my Irish property, and from what I have

heard of in Whittlesea Mere and Sutherlandshire, and of the promised but never realized rescue of a whole county from the sea near Boston, I am very sceptical about the profitable reclamation of waste lands on a large scale, even by Companies or individuals, and much more by the Government. Under the most favourable circumstances much time would necessarily be consumed in making the requisite surveys and plans, in bringing the requisite machinery, and preparing the requisite accommodation for the large body of labourers required on these waste tracts. The need of increased employment for the labourers over the greater part of Ireland is urgent, and no provisions have been made for doing this in the Bill. But it is too late to repair this sad omission. We can only lament that the Government in this measure do so much that, in my opinion, they ought not to do, and are leaving undone so much that they might and ought rather to have done. The Government, I know, will triumphantly point to the Bright Clauses in the Act of 1870, and the large extension of the same principle in the present Act. The Bright Clauses failed to be extensively acted upon, as I well remember predicting they would, not so much because of their principle as of their infelicitous details: for transcendent eloquence does not always imply statesmanship, much less legislative capacity or administrative efficiency. Every thoughtful man must have desired to see the undivided ownership of land much more widely distributed in Ireland, not so much for economical, as for social and political, reasons, in order to interest larger numbers in the maintenance of the rights of landowners. Many, like myself, entertained sanguine hopes that the Encumbered Estates Act would have done much in that direction long ago. But, from various causes, it did very little; and among those causes was not only a lack at that time of any great amount of available capital in Ireland, but also, in the middle and lower class, a lack of that particular form of earth-hunger which craves for freehold possession. But though I think the extensive purchase of moderate freeholds by Irishmen with the proceeds of their own industry and thrift, even if aided somewhat by Government advances, would socially, economically, and politically be of the greatest advan-

tage, I believe that in all these three respects Government advances of three-fourths of the price to land purchasers will have a very injurious effect; probably sometimes opening the door to collusion between buyer and seller for sham sales at extortionate prices to cheat the Government, certainly leading to a constant pressure on the Government, as chief creditor and practical landlord in Ireland, for remissions of debt, such as have been conceded from time to time by different Governments ever since I came into Parliament, and further furnishing a strong additional motive to the indebted masses for desiring national separation from England. With many thanks to your Lordships for your kind indulgence, I will now sum up my observations by saying that, on the whole, I consider much of the Bill bad in principle and dangerous as a precedent, as sanctioning repudiation of contract and ill-disguised confiscation; that I find when the Bill, in violation of the strict rules of political economy, makes advances of public money, it makes them, not to assist emigration on a scale sufficiently appreciable to relieve the local congestions of population in the poorest districts in excess of the means of subsistence; nor to provide generally remunerative employment in widely diffused field drainage for a large part of the most numerous class in Ireland now in danger of having to look to the poor rates for support; but it makes advances only for artificially raising a forced crop of freeholders, and for the speculation, if Government can get any Company to undertake it, of reclaiming waste land. Still, though I fear this Bill, extorted by intimidation, unsound in principle, and ill adapted to its object, is little likely to conduce to the increased productiveness of the land, to the permanent prosperity of the country, or to the general contentment of the people with the Queen's rule and the supremacy of Parliament, I am glad to learn that there is no serious intention to throw it out; for public opinion demands that a Land Bill shall be passed. At the same time, I trust the House will not shrink from the duty of altering the clauses most inconsistent with justice or policy which formed part of the Bill as introduced by the Government after full consideration; and I hope still more that the House will not hesitate summarily to reject objectionable provisions hastily put in during the

discussion of the Bill, apparently in the vain endeavour to conciliate the irreconcilable Representatives of the Land League—a futile attempt at an impossible task. For the Land League have throughout announced that they will not be satisfied with any measure compatible with British ideas of justice and British supremacy. They really aim at nothing less than having Ireland for the Irish—by ejecting the landlords and confiscating their property—at nothing short of the Repeal of the Act of Union and complete national independence.

VISCOUNT MIDLETON, premising that in his remarks he should confine himself to the four corners of the Bill, said, he yielded to no one in his desire to see this unhappy question set at rest for ever, and a better state of feeling promoted between landlord and tenant in Ireland. No sacrifice could be too great, either for an individual or for a class, if they could restore to those portions of Ireland in which distrust had always unhappily existed between landlord and tenant a better feeling; and also if they could produce a good feeling in those districts where no such distrust ever prevailed, before it had been fostered within the last few months by the action of the Land League. He could not, however, but remark the want of appreciation apparent in several of the speeches delivered from the Ministerial side of the House of the haste with which the Bill had been initiated, and the extraordinary complexity of its details. The measure was distinctly and avowedly based on the Report of the Commission presided over by the noble Earl who sat on the opposite Benches (the Earl of Bessborough). That Commission collected a vast mass of evidence, which was not taken on oath, and which was full of mis-statements and contradictions; but the Bill had been read a second time in the House of Commons before the rebutting testimony saw the light. His fear was that under the present Bill arrangements which were far more for the good of the tenants themselves than for the landlord would be utterly impracticable. For instance, with regard to free sale, there were two questions he should like to ask. The first was this—“Is it the case that since this custom of Ulster was legalized by the Act of 1870 a large number of tenants in that Province have sold their occupations, have

left the country, and have given room to a class of tenants who are less provided with capital, are less able to farm, and are altogether on a lower footing as regards intelligence, capacity, and capital than the men whom they have replaced?” He had it on very high authority, from the manager of one of the largest estates in Ulster, that that was the case on the property with which he was immediately connected, and that he believed it to be the case on many other estates. The second question was—“How will it be possible, if this Bill becomes law in its present shape, for a landlord in the South or West of Ireland to make any improvement, by concentrating around the homestead the scattered fragments of land where the townlands have been let in rundale, or where they have been scattered by some other agency?” Previous to 1870, this object was always obtained by giving notice to quit, and thus inducing the tenants to come to an agreement as to the arrangement of their farms. Under the Act of 1870 such arrangements, which were more for the good of the tenant than that of the landlord, had been rendered difficult; and his fear was that, under the present Bill, they would be utterly impracticable. As regarded the Arbitration Clause of the Bill, it practically abolished freedom of contract altogether, whatever might be said of free sale. How would it be possible to carry out the provisions of the clause without a substantial revaluation of the soil of Ireland, and, if so, what means were provided for doing that; and how, in the numerous appeals to the Court which there would most assuredly be under it, would the machinery be provided which would enable the work in hand to be grappled with? Passing to what had been termed the ornamental clauses of the Bill, he would observe, with reference to the Purchase Clause, that while, politically speaking, there could be no doubt, if it could be properly worked, that it would be of the greatest possible benefit, for there could be no question of the great benefit that would accrue to Ireland by having a large number of owners of the soil; yet that doctrine, when they had to do with anything like peasant proprietorship in a congested district, would prove to be a failure. He believed it would be as impossible to preserve a race of peasant proprietors in

Ireland as it had been found impossible to preserve the old race of yeomen in England, unless they could rescue them from the ever-increasing exigencies of modern competition. He did not expect that the Reclamation Clauses would work; the only possible way of reclaiming land in a remunerative way being by the application to waste lands of the spare time of occupiers, who could not get any money value for their spare hours. With regard to the Emigration Clause, whatever might have been the case as regards that clause as it was introduced into the Lower House, as it had emerged from it the clause was a simple farce. Its provisions reminded him of the attempt of Mrs. Partington to oppose the Atlantic with a mop. It had the expense limited to £200,000. That would emigrate about 700 families, or 5,000 souls, at the utmost, while the unaided emigration from Ireland last year was upwards of 96,000. He objected also to the provisions introduced into the Bill with regard to leases as being unjust, and must also be allowed to express his unqualified disapproval of the clause dealing with labourers. He should have preferred that the maxim, *De minimis non curat lex*, had been applied to the latter. What was to be done in the case of estates managed on the English principle? No proposal was contained in the Bill to meet such cases. He regretted the *animus* which had been shown towards the Irish landlords, and denied that a case had been made out which could in any way justify the hard things which had been said of them, although he admitted that among landlords, as among every other class, unjust men were to be found. He had always tried to assimilate the management of his Irish estates to that prevailing on his English estates. He thought that the Bill would operate hardly upon the purchasers of property in the Landed Estates Court in Ireland, and this class of proprietors numbered one-sixth of the whole. Many of these purchasers were commercial men, who were invited to make their purchases by way of investment under the inducements held out to them by the Legislature, and they were in this position, that they were disliked by the people, who preferred the former proprietors to them, and now found themselves abandoned by Parliament. The same thing would happen also to those who had become proprietors since

1870. This, however, was but one instance in which the Bill meted out injustice to the unoffending. He thought that it was a dangerous proposal to revise the terms of leases granted on the faith of the Act of 1870, and would not tend to encourage the granting of leases. By the provisions relating to labourers' cottages, the successors of present owners might find themselves charged with large sums for the repayment of advances made for the purpose of erecting cottages which might no longer be required. In other respects, too, the Bill showed an utter disregard for the interests of posterity. Everything was to be done here on behalf of the holder of the present tenancy, who was to be invested with privileges which formed no part of the bargain between himself and his landlord. With regard to the clause for staying proceedings, that clause was introduced at the last moment, and was dishonest on the part of those who introduced it, and on the part of those who accepted it. That clause merely introduced by a side wind the principle which their Lordships refused to recognize in the Compensation for Disturbance Bill of last year. If the clause were passed, it would authorize the Court to decree that just debts should not be satisfied which had been allowed to remain unenforced by the indulgence of the landlord. He was puzzled to understand the principles on which the Bill was framed. He gave the Government credit for a sincere desire to benefit Ireland; but how did they carry out their intention? The subject of Irish land required to be treated like any other subject, on scientific principles. So far as political economy was concerned, those principles had been thrown to the winds at the outset. They would, however, re-assert themselves. *Naturam expellas furca tamen usque recurret.* They were told that this was to be a message of peace to Ireland. It probably was so intended; but, judging from the reception which the measure had received from the Land League, there was little reason to hope that it would prove to be a message of peace to Ireland. It had already been formally repudiated under the influence which at present dominated Ireland, and was not that of our Sovereign lady the Queen. He could not help thinking that this Bill would open the door to unlimited litigation, a circumstance which was to

be regretted, especially in a country like Ireland, where such a love of litigation prevailed. In every clause the interests of the landlords were deliberately set aside in order to gratify the political exigencies of a Government, or the demands of an outrageous agitation. One thing, however, would have even reconciled him to this Bill, in spite of all its objectionable features, and that was if it had been a final measure. But most important questions had been intentionally left open for future consideration, among them being absenteeism, the constitution of the Land Court, and the subject of town parks. If it was to the advantage of the State that any person or class should cease to exercise the rights they had exercised, he had no doubt that the State could remove them; but they had no right to keep them in a position which was intolerable to them. In his opinion, simple expropriation of landlords upon an equitable footing would have been a more statesmanlike proceeding, for the landlords would in the future be of no use to their country, and would not be able so efficiently as they had been to discharge their allegiance to the Queen. The Bill took away from them—and especially from absentee landlords, of whom he was one—every inducement to do their duty to their tenantry; and he felt convinced that, if it passed in its present shape, the landlord's power of improving his own property, or the condition of those who lived upon it, would be *nil*. Having pointed out what were considered to be the defects of the measure, the responsibility of it must be left in other hands. Should he prove a false prophet no one would be more heartily glad than himself, and no one would be more eager and ready to acknowledge it. But he could not help saying he expected serious consequences, which he did not think the Government had adequately estimated, would result from it in the immediate present, and still more so in the future, and only hoped that the worst results of it would not be realized by generations still unborn.

LORD WAVENEY said, that the noble Viscount who had just sat down (Viscount Midleton) had expressed his ideas so clearly and explicitly, that, were it not that all faith in modern prophecy had been lost, he (Lord Waveney) should regard with considerable misgivings the future position of Irish land-

lords under the Bill. Sharing, however, in that want of faith, he was disposed to think the result would be the direct reverse of the anticipation. He desired, at the outset, to enter a strong protest against the principles which some noble Lords had maintained during the discussion, one of which in effect was that landlords ought to be compensated, not merely for loss of wealth and substance, but for deterioration to their social position and power. But landlords possessed all the social and political rights of other members of the community; and, therefore, they had no just ground of complaint on that score. In the next place, it was contended that expropriation would have been a far fairer solution of the admitted evils of the Irish land system than the remedies contained in the proposed measure, and that it would be satisfactory to the landlords, and not in any way dishonourable to them. That was a principle which he indignantly rejected. Their duty was to maintain and make good their position, and to display in that position those qualities which, in the eyes of the world, would warrant and entitle them to fill those stations of exceptional prominence and advantage which they at present possessed. If the Nobles of France—a body much inferior to the Nobles of Ireland—had only recognized that truth, they might have guided the elements which exploded in the frenzy of the French Revolution into a very different channel. He thought, therefore, their Lordships should act in a manner worthy of the best traditions of the landed class, and not imitate that example so disastrous in its results to those concerned. With regard to tenant right, and its existence in Ulster, surely the improving tenant on the small holding on the mountain side had earned something in the nature of that right by his labour, especially in the reclamation of waste land, and the Bill was framed in a spirit of equity with reference to that class of men. What was wanted, in addition, was some help for those who could not by industry take care of themselves. For them the Bill would provide, by the Emigration Clauses, as to which he did not believe it possible that remedial legislation on the subject could be effective without some provision for a well-regulated system of emigration. A map in the Library of the House was shaded so as to show what land in Ireland remained to be reclaimed; but it

was hopeless to talk of reclamation of waste lands upon a large scale. The subject was fully discussed in 1847 and 1848, and the schemes then proposed were found to be impracticable. The landlords, no doubt, did make some improvements; but it was the tenants who carried out reclamations, who prepared the soil for the plough, who cleared away the moss and the heather, to enable the land to be tilled by labour, so as to produce the potato crop. He remembered but one period of absolute peace in Ireland; and that was the peace of exhaustion that followed the Famine, when there was a cessation of political and of religious strife. He did not despair of a different peace, for the people of Ireland could not fail to be touched by the patience of this Empire. He had lived long enough in Ireland to know the value of the Ulster tenant right. The noble Lord then traced the origin of the custom, and, continuing, said that the first blow was struck at it when land in Ulster was sold by the Court with those rights which belonged to the tenants. The Ulster tenant right was not understood in England, or in that House as it ought to be, and the more legislation was based on the ideas underlying that custom, the more lasting benefit would it confer on Ireland, and the better it would be for the tenant and the landlord. It was very easy to find fault, but not so easy to suggest a remedy; but, at the same time, he could not conceive any cases in which a remedy could not be supplied by the action of an honest and learned tribunal; and, in his opinion, there was but one cause of regret with respect to the tribunal, and that was that it would probably be insufficient to deal with the infinite number of cases that would be likely to be brought before it, and he should therefore suggest that there should be a larger number of Judges, sufficient for the formation of two Courts, for he believed the questions to be dealt with were too much for the intellect of three men. The Court would, in the first place, have to consider the custom of Ulster, and afterwards the various modifications of that principle that would have to be made in applying it to all parts of the Island; and he trusted that one of the results would be that they would hear less in future of disputes between landlords and tenants. When the occasion arose, however, the people of

Ireland had always exhibited great energy, great ability, and great intelligence; and that this Bill would pave the way for national greatness he was firmly convinced. In conclusion, he thanked the noble Marquess opposite (the Marquess of Salisbury) for not dividing against the Bill, and thus disappointing those who were expecting that the House would be led into committing a mistake at this crisis. They were indebted to the noble Marquess for relieving them from the task of dividing on a measure which ought to be considered independently of Party politics.

THE EARL OF BELMORE said, he was glad that no Amendment had been moved to the second reading, because, having taken some part in the discussion of the subject in Ireland, he had promised to give a fair consideration to any measure which might be proposed. That promise he would not depart from; but, at the same time, it was with very great reluctance that he could express any approval of a Bill that was such a wide departure from the principle of freedom of contract. There was no doubt, however, that something was required to be done in Ireland at that moment. The question of legislation had been alluded to over and over again; and it would be perfectly futile now to indulge in any speculation whether, if a stimulus had not been given two or three years ago to agitation on the question of Irish land, some smaller measure might not have met the difficulty. There were very important social questions in Ireland which required that some measures should be adopted by Parliament to settle the Land Question on a secure basis. It was unnecessary to mention the case of many of the landlords. The agitation which had gone on for some time in Ireland had done much harm to trade in Dublin, and had caused a great falling off in the profits of the railways; and the only institutions which had profited from the present state of things were the banks. Having recently come from Ireland to attend these debates, he happened on his journey to meet a professional gentleman of great knowledge and experience in his locality. This gentleman remarked there could be no doubt that there was a great scarcity of money in the country. He (the Earl of Belmore) asked what had become of it. "Oh," was the reply, "it is said that in one of the banks in the town in which I live

there is from £200,000 to £300,000 placed to deposit accounts. The farmers will only get 1 per cent interest for this money." This was so much capital withdrawn from the land from a fear that if they invested it in the land it was in danger of being lost in consequence of their not having any security for the retention of their holdings under the present system. The Bill dealt with several matters, and, avoiding details as much as possible, he would make a few remarks on them in the order in which they came in the Bill. The first question was as to the sale of the tenant's interest, or what was called free sale. He was one of those landlords who, to a considerable extent, had not objected to the sale of the tenant's interest. At one time, many years ago, he had attempted to control it. But, finding the responsibility for the acts of his agents too great, and that it was impossible to prevent a larger sum being paid *sub rosa*, he abandoned all attempt at direct control, only reserving to himself either the indirect control of saying what he would give to the tenant for the power of exercising a veto upon the persons coming into the farm. So long as free sale was not abused, the principle might be defended. There was no doubt that the rent was made more secure by it. But, on the other hand, unlimited free sale was open to much abuse and might prove a great injury to the country. The man giving up his farm was glad to get as much as he could, and the creditors, as well as the landlord, had a better chance of being paid. But the person coming in was placed in a very much better position by restricting free sale. Probably he had borrowed some of the money, and that circumstance would prevent him from stocking his farm. Therefore, the right of the landlord to limit the amount given for the interest in a farm was a salutary one. That right was now practically taken away, and so far the provision dealing with the subject was objectionable. He would admit, however, that according to the definition of the extreme supporters of tenant right in Ireland this Bill did not confer absolutely free sale. The next question was the tenure of the land, and the greatest objection that the tenants had to the present system was that the rent, even under the Bill, might be constantly increased. But, on the other hand, the noble Marquess (the

Marquess of Salisbury) had described it as a system which would prevent an increase of rent. That was not altogether so; but, practically, the rent could not be increased, except by converting leases for ever into perpetuities, when a small addition to it might be made, or as the value of money fell there might as time went on be some increase. He had lately looked very closely into the system of tenure on his own property from the time of the Plantation, and he found that at one time every holding was let for a longer or shorter term of years. Down to the present century, it was always usual, on granting a lease, to have a small increase of rent. The noble Lord the Lord Privy Seal (Lord Carlingford) had said that the great rise which had taken place in the value of land during the last 100 years, or less, was due partly to tenant right and partly to the tenants' improvements. That, he (the Earl of Belmore) believed, was certainly not the case. In his opinion, while admitting that the rise in the value of land in Ulster had been considerable, he thought it was attributable to the increased value of money compared with the increased value of land, and not to the tenant's improvements or to the tenant right system which prevailed there. He had no faith in the existence of tenants' improvements before the beginning of the present century, and could not, therefore, think that they had been a factor in the increase of the value of land. With regard to tenant right, he found no trace of it until within the last 100 years. Now and then, it was true, he had heard of cases in which sums of money had been given by way of compensation, and those cases, perhaps, contained the germ of tenant right; but the right in its modern form was not known till a more recent period. Of all the questions dealt with by the Bill, the question of rent was the most important to the tenant. That, at least, was his experience, which was fully confirmed by what he had heard at a land meeting at which he had been asked to preside. Comparisons were sometimes made between the rents on English and Irish estates, and a letter on the subject had appeared in an Irish paper by a tenant farmer from Ireland who had visited Gloucestershire. The writer of that letter pointed out that he paid no more than £1 an acre, and the landlord paid

the tithe rent-charge; while in Gloucestershire the average rent was £2 an acre, with tithe and taxes that made the rent practically £3. With respect to the Bill before the House, he would say little as to the proposed Court, lest he should travel over a well-beaten path; but, on the whole, he felt confidence in the Commissioners who would be appointed. One of them he scarcely knew at all, but of the others, one was a trained man of business; while the position and ability of the Judicial Commissioner were guarantees that he would be an impartial Judge. Some people thought that there should be five Commissioners; but he thought that three was a better number. He had always been favourable to some form of arbitration, but could not approve of the establishment of arbitrators in the shape of the Land Court, and he was in hopes that in Committee their Lordships would so amend the Bill as to make it less objectionable than it was at present. The clauses of the Bill that most excited his sympathy were those by which it was intended to make tenants landed proprietors, and he should even have preferred to trust solely to them as a remedy for the present grievances, and to have altogether omitted the other parts of the Bill. No doubt, a great difference of opinion existed on the subject, some maintaining that the sales made under the Church Temporalities Commissioners had resulted in a complete success, while the Returns issued for the county of Armagh favoured the contrary view. Failures there certainly had been in some instances; but the glebe lands were just those where the most unsuitable tenants for the experiment would be found: for the clergyman of former days had not even a life interest, and was not generally an improving landlord; so long as he could get a moderate profit, and live in peace with his tenants, he was satisfied. But, in spite of that fact, he was very glad that the Peasant Proprietary Clauses found a place in the Bill, and he looked to them to counteract the ill-effects of some of its other provisions. It had been contended that the Emigration Clauses would probably be useless and inoperative, and perhaps the experiment might have been tried on a larger scale; but a very considerable emigration would always be going on whenever there was a time of agri-

cultural depression. A Northern public officer—whose office caused him to be a good authority—was of opinion that when this Bill came into operation and creditors had something tangible to sell, so many tenants were weighed down with debt, that it was probable that emigration would be more considerable than ever. In the way of enabling those who were so situated to sell out and emigrate, he thought those clauses would do some good. Amendments to the Bill would, of course, be proposed in Committee; but there was only one point to which he wished to call attention—namely, with regard to those landlords in Ulster who had bought up the tenant right on their estates. The Prime Minister had denied that there were any such cases; but when he moved his Amendment, having for its object the protection of those landlords who had so acted, he should be able to prove their existence, and would support his views by evidence of their actual number. In conclusion, he must say that his own idea with regard to Ireland was that matters would never prosper there until all parties agreed to leave agitation alone. And he said this with the more confidence, because it was true.

THE LORD CHANCELLOR: My Lords, I have two reasons for asking your Lordships' indulgence on this occasion. One will be obvious to your Lordships. It is that it is necessary for me to explain the causes which have led me, from a sense of duty, to accept my share of the responsibility for the introduction of this measure. The other is because, in the course of this debate, frequent reference has been made to speeches delivered by me, when I was under no official responsibility, in the year 1870. Some explanation is due to your Lordships, after what has been said with reference to those speeches, of the view which I take of the present position of affairs in Ireland, as compared with that of the year 1870. My Lords, I should like, at the outset, to say a few words as to the principles which I conceive to be fundamental, with respect to any such legislation as this. I feel as strongly as any of your Lordships can, that the laws of any country which govern the tenure of property ought not to be lightly altered. In the early stages of society, it is a comparatively easy thing, when the rules and the administration

of law have not become well fixed, for adjustments of laws of property to the habits and customs of men to take place; and there is, perhaps, no better example of that than the transition, in this country—to which reference has been made in the course of this debate—of estates at will into those estates, under fixed conditions of tenure, which we now call copyhold. The process in those early times was very different from positive legislation like this; but the principles which then made such a transition natural, and just, and right, will, under different forms, at all times and in all countries, have permanent application. Whenever you find that the customs, the habits, the life of men have become divergent from the letter and strict terms of the law, whenever you find that the interests of large and important classes have grown intermixed and entangled with each other in a way which makes some re-adjustment necessary for the convenience and for the safety of society—whenever that happens, however fixed the law may be, still the same social and moral necessity arises for the exercise of legislative power to make the adjustments, whether they be large or small, whether they may seem violent or easy, which that state of circumstances renders necessary. My Lords, all such laws of property and laws of tenure are made for men and not men for them; and they must, from time to time, everywhere and always, be reviewed and changed and re-adjusted when the pressure of social forces requires it, and the safety of the State makes it necessary, and when we all feel it to be inevitable. There are examples well known to your Lordships of great changes of tenure, which, no doubt, stirred at the time the feelings of men as deeply as this can stir the feelings of any of your Lordships—changes which have taken place on the Continent of Europe, changes in their kind very different from what we propose, and made under different conditions, but examples, prominent and recent examples, of the right and duty of the State to make these adjustments when they become necessary, and of the general approval and acquiescence of mankind in such adjustments when they are wisely and reasonably made. And, my Lords, I say that such adjustments—however apt men may be to denounce them as unjust, as revolutionary, and

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with the rest of the vocabulary of vituperation—are both just and beneficial, not to one class only, but to all the classes concerned in them, when they are made so as to maintain the substantial rights of property, while altering their conditions and their form, and still more when they are made so as to place the enjoyment of those rights on a more secure basis and footing than that upon which they stood before the change. We have ourselves recently and largely acted upon these principles. Measures to adjust the relations between landlord and tenant by new legislation, involving the settlement of rent and durability of tenure, have marked our legislation in India; and between those measures and this there is not only a rather near parallel on those two points, but there is this further parallel—that our Indian Legislature, in so dealing with the properties of the great proprietors and the innumerable cultivators of India, did not consider that by doing justice to the one class it was doing injustice to the other, and did not recognize any necessity for treating those changes as matter for compensation. And your Lordships and the Legislature of this country acted in the same manner and upon the same principle in regard to Ireland when you passed the measure of 1870, which was really a much greater step in the direction of change of law, so as to accommodate it to the habits and customs, and, therefore, moral rights of the people, than that which you are now asked to make, because it was a change in that direction made for the first time. I refer to these instances for the purpose of explaining how my mind is affected by the view of the position which the State assumes when it deals with a great measure of adjustment of the tenure of land such as that which is now before us. It is neither a new thing nor a strange thing, although it is most undesirable that it should be a common or a frequent thing. Nothing but grave necessity can make it wise; but where there is that necessity, and when an anxious endeavour is made to reconcile the rights of all the classes concerned, I say that, under these circumstances, the State does but discharge one of its greatest duties, the neglect of which might lead to injustice, and might, under some circumstances,

lead to revolution. The present Bill is framed upon those principles, and under a sense of the existence of that kind of necessity. It is said that it interferes with economical principles, and with freedom of contract. But it is a mockery to talk of those things, when the moral and social forces with which you have to deal are antagonistic to them and inconsistent with them. Under any circumstances, freedom of contract can only be exercised within lines prescribed by law; and when you find that, within those lines, it is not in fact exercised, and that you have to encounter moral and social conditions at variance with it; when you have not got an open market, nor freedom to hire or to let; when the habits and relations of the classes concerned show that you cannot apply those principles without modification and regulation, then it is necessary to adapt your laws to the circumstances with which you have to deal, and to the state of society which exists in the country for which you legislate; and it is pedantic to rest upon theoretical and abstract ideas, instead of endeavouring to do the best you can under circumstances of practical difficulty. As I said, I have been reminded of some opinions which I expressed—and I hope you will believe that I then spoke in all sincerity, and as honestly as I now address your Lordships—in 1870, when I was free from the responsibility of any official position, but not free from the responsibilities attaching to every man who desires to do his duty. Some things which I then said have been quoted as if I had denounced as unjust, and as taking away one man's property to give it to another, a proposal substantially the same with the scheme, or part of the scheme, of the present Bill, in favour of which I am speaking to you at the present time. My Lords, I deny it utterly. Whether I was right or wrong in my conception at that time of the effect of a universal extension, pure and simple, of the Ulster Custom to the rest of Ireland—for that is the subject upon which my words were quoted by the noble Marquess (the Marquess of Lansdowne)—that which is done by this Bill, in my view, at all events, wholly differs from such an extension of the Ulster Custom; and it is proposed—so far as anything analogous to the Ulster Custom is proposed in this Bill—under conditions and limitations carefully conceived, which have

been essential to my acceptance of the measure. The noble Marquess also referred to other words which I then used on the subject of compensation for disturbance, in which I said that unless great care were taken as to the limits and the checks under which compensation for disturbance was given there might be danger of its encroaching upon rights of property which ought not to be so encroached upon. I thought so then, and I think so still; and, in dealing with those provisions of this Bill which, in the opinion of some, may be attended with a similar danger, I have at least succeeded in convincing myself that the necessary limits and the necessary checks are here. I do not like to speak of myself; but, when challenged, I must at least endeavour to justify my view. Although your Lordships who differ from me may value these checks and safeguards as little as I do much, I think you will not disbelieve me when I assure you that I regard them as checks and limitations sufficient to prevent any such unjust consequences. There are other matters as to which I stand upon the same platform with many of my Colleagues, which I may dismiss more easily. They were shadowed out in 1870 vaguely, indistinctly, and in general terms, and were proposals which I do not at all mean to deny had a good deal in common with the more definite and guarded proposals of the present Bill. When the Bill of 1870 was introduced, I, like most of those who are now my Colleagues, expressed myself averse to changes so extensive, and agreed with those who thought them open to serious economical objections. Well, I do not hesitate to say that if I were not convinced of the necessity for the large proposals made by this Bill, I should still object to them on similar grounds. It is because circumstances have changed, and we are in a state of things now which, at that time, did not exist, that I agree to things which I would not willingly have agreed to then. But still I do so unwillingly, because I regret that the state of circumstances should be such as to convince me of the necessity. I agree to them, because I think there is a necessity for which I see no other remedy—at least, none so likely to be effectual as a Bill of this kind. Now, my Lords, I have done with my own speeches, and I ask you to consider what are the

real conditions of this question. Before endeavouring to state them, I will allude, for a moment, to the strange alarms which have been introduced in the course of this debate about the possible consequences of this measure in England. Now, I am quite content to look that suggestion in the face, and to say openly and distinctly that, if there were like circumstances in England, I should loyally agree to similar measures. So far from thinking that any wrong or injustice would be caused, I, as a landlord, although not a large one, should think such legislation under such circumstances altogether to my interest, as well as to the interest of the tenant. I think this is a case in which one cannot do wrong in trying to imagine oneself in the position of an Irish landlord. Remember the circumstances under which the legislation takes place, and say in your conscience whether you would think yourself wronged by such a Bill. I can say with a clear conscience that I should not think myself wronged. On the contrary, I should think the Bill at least as beneficial to myself and to my own class as to the class of tenants. But the real truth is, that the same circumstances do not exist in England, and the tenants desire similar measures at least as little as the landlords. Speaking for myself, in the last few years I should have been very far indeed from alarmed if a fair rent had been fixed upon my land by an independent and competent tribunal, and if the tenantry had been fastened to the land on those terms, at all events for 15 years. But now, my Lords, what are the leading facts which we must keep in mind when approaching this question in connection with Ireland? In England the persons engaged in agriculture as occupying tenants are 1 in 59; in Ireland they are 1 in 9. The difference between those figures shows the dependence of the people of Ireland upon agriculture as, practically, their sole means of living, in contrast to those other means of living and sources of prosperity which the people of England possess. With regard to the holdings, the contrast, at first sight, does not seem equally great, because in England 59 acres, on an average, go to a holding; while in Ireland, if you include all the great grazing farms, 27 acres form the average, a disparity, however, still very great, even if no deduction

were made for those great grazing farms. In Ireland nearly half of the whole number of holdings throughout the country are under 15 acres, and nearly two-thirds are not above £10 valuation. Even in the most prosperous part of the country—Ulster—the proportion is practically the same. I do not want to dwell upon some other factors in the question; but they are not without importance in considering the difference between England and Ireland. In England, the great proprietors commonly reside upon their estates; in Ireland they commonly do not. Do not let it be supposed that I wish to do injustice to that class of Irish proprietors. For the most part they have been very liberal to their tenants, although I know that there are some resident proprietors who are equally so. But the fact that so very great a proportion of the land of Ireland is in the hands of large proprietors who do not reside upon their estates, and that those estates are, and must be, managed by agents who can never be to the tenants what resident proprietors might, necessarily introduces a different system of treatment, and produces very different relations between the owners of property in Ireland from those which are prevalent in this country, where large proprietors do, as a rule, reside on their estates. Then, my Lords, there is another circumstance never to be forgotten in estimating the social conditions under which we have to legislate for land in Ireland, and that is, that while from the causes which I have mentioned there is a considerable loss of useful moral and social influence on the part of the landlords, on the other hand, those same landlords are, for the most part, of a religion different from that of their tenants, and thus there is an unfortunate absence of the sympathies which arise from community of religious belief; and the people are, for the most part, under the influence of a clergy who are not directly connected with or interested in the land. I refer to these matters because they appear to me to show the peculiar conditions under which we have to legislate on this question. I would ask your Lordships, can you separate the interest of the landlord from that of the tenant? Can anyone in this House maintain that it is for the interest of the landlord more than for that of the tenant that there

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should be chronic antagonism between them, mutual opposition, and if not mutual suspicion, yet at least suspicion and distrust on the part of the more numerous and less educated — when taken individually the weaker class, but when taken together, under the influence of combination, by no means the weaker? My Lords, I wish to look at this question, in the first place, from what I will call the landlord's point of view, as I understand it. I say, then, that the value of the landlord's interest depends upon the tenantry at least as much as upon the title which the law gives him to the land. Without an occupying tenantry his land would be valueless to him, and any policy which did not regard as common the interest and prosperity of both, and aim at such an adjustment of their relations as may give them some chance of living on good and cordial terms together, must be at least as ruinous to the landlord as to the tenant. I own I was surprised at something which fell from the noble Marquess on my left (the Marquess of Salisbury) last night, and which, in my judgment, was as great a fallacy and as great an error as could possibly be put into words. The sentence, which I took down, was this:—“Whenever large advantages are given to the tenant they must be taken from the landlord.” That I utterly and positively deny. An opinion more unfounded and more contrary to a true conception of the interests of both landlord and tenant cannot, I think, be imagined. The more prosperous a tenant is the better will be his relations with his landlord, and the better is the value of the landlord's interest secured; and unless you show that you directly take from the landlord something which is his and give it to the tenant, then I say the more advantages you can confer upon the tenant, the more benefits you also confer upon the landlord. What, my Lords, under the present state of things is the value of the landlord's interest? What are those rights we are supposed to deprive him of over his tenants? We are supposed to be depriving him of his right of eviction, and to be destroying the freedom of contract. But do these things exist at the present moment? What is the benefit of the power of eviction if, when you have evicted the tenant, you can get nobody to take the

land, no one daring to do so? What is the benefit of taking land into your own hands, without the means of hiring labour for its cultivation in a free market? If a moral force comes between the landlord and the class on which he depends for his prosperity, puts them at arm's length, and takes away the possibility of the land being let or profitably cultivated, of what good is your cherished right and power? What is the meaning of power, if you have to face combinations and the result of combinations such as that produced by the present agitation? There is not an Irish landlord in this House who will not say—“If this state of state of things is to continue, the value of our property is gone.” Well, our object is, as far as possible, to put an end to that state of things, and by devising the best means—those most likely, as we think, to work permanently and justly—to secure and maintain the value of the landlord's interest as much as that of the tenant. If there is any other way to bring about that result, it has not yet been stated. It may be asked—indeed, it is often said—“Why do you not enforce the law?” No one is more sensible than I am that it is our duty to do the utmost in our power to maintain and enforce the law. But your Lordships know the old maxim—*Quid leges sine moribus?* You know very well the state of things which exists when it is necessary to put all the powers of the law, and even exceptional laws, in force—when the moral bonds of society are strained to the utmost. I should like to know, if the law were enforced to the uttermost, as I should desire it to be, what the value of the landlord's property would be, if the masses remain, reasonably or unreasonably, in a chronic state of alienation towards the landlords, of hostility against the law, of virtual partnership in things which the law ought to put down? If that is the state of feeling which is engendered among the tenantry, do you think that by evicting every tenant and putting the landlord in possession of the land, and by the strong arm of soldiery or police everywhere putting down disturbance, you could maintain or restore the value of the landlord's property? Do you think that the mere exertion of overwhelming force could restore the relations which ought to exist between landlord and tenant? Do you think you can

thus overcome the rooted opposition of these large classes, if you do nothing to conciliate that opposition? Can you make them take the land? Can you even make them labour on it if you take it into your own hands? In whatever degree you may be able to work against those difficulties, and encounter them, and partially counteract them, is there really any Irish landlord in this House who will seriously say that, on the hypothesis of a chronic abnormal straining of the law, the pecuniary and moral value of the landlord's property will be greater, or that his position will be better than it will be under the provisions of the Bill, provided the Bill comes into operation and works? I believe your Lordships have recognized the truth upon this subject, for that is the reason why, although this measure is denounced as revolutionary and Communitistic, and as an act of confiscation and injustice to the landlord, not one of your Lordships proposes that it should be thrown out. Apart from any question of the effect of a Dissolution of Parliament, or other political complications, those who so speak do not desire that the state of things which I have described should subsist, and they know that it would subsist if the Bill were thrown out. I will ask your Lordships to permit me to read a significant question and answer with which I was a good deal struck in the evidence before the Bessborough Commission. The evidence is that of a Galway landowner, Mr. O'Flaherty, who seemed to have a great dislike to any legislation of this kind. He was asked this question—"Is not the tenant of a farm more or less at the mercy of the landlord?" I suppose the question had reference to one of the points that are often made about the absence of freedom of contract, when the power of the landlord is too much for the tenant. Mr. O'Flaherty's answer was this, and to my mind it is very true and significant—

"Upon my word, I think that the balance is very little in favour of the landlord, supposing that a crisis like this comes, which every man of ordinary sagacity might foresee. I think the landlord is in the worst position of the two."

My Lords, I am afraid that our experience of this crisis justifies that opinion; and what I ask your Lordships to believe, and what I think I can clearly establish, is that this crisis is not of a factitious kind, got up by a mere un-

scrupulous agitation like that of the Irish Land League, but is a crisis which—as Mr. O'Flaherty said—"every man of ordinary sagacity might foresee." What, my Lords, is the history of this crisis, of which we have heard something from the noble Duke (the Duke of Marlborough)? I must carry the answer a little further back than the occurrences of the last two or three years which were adverted to by the noble Duke. There has been in Ireland a long-standing conflict between legal theory and practical status, just one of those conflicts between facts and law which, whenever they occur, lead to inconvenient political consequences, and require adjustments which, in ordinary circumstances, might not be justifiable. I am not going further back in illustration of this than the year 1860, when that remarkable Act of Parliament was passed which enacted that from that time contract, and not tenure, should be the basis of landed property in Ireland. My Lords, it was something like what I remember at the time of the Crimean War. There was a squib published in the shape of an Act of Parliament supposed to have been passed, which declared that a certain newspaper should have authority to take the city of Sebastopol, and that from the time when that newspaper should announce the capture of Sebastopol, it should be and be deemed to have been captured to all intents and purposes whatsoever. The Act of 1860, declaring that land should be held by contract and not by tenure, when, in fact, it was held by tenure and not by contract, attempted an impossibility. Only 10 years passed, and in 1870 the tenour, though not the letter, of that legislation was reversed. The Act of 1870 established the Ulster Custom, which is surely tenure and not contract. It was, however, so established as to leave it vague and indefinite. I do not know of any inadvertence, nor do I know that the Act of 1870 did not accomplish the purposes intended to be carried out by it. But it had undoubtedly some effects which were not foreseen, as it was a measure which did not work out its own principles to such a point as distinctly to separate the interests which it recognized from those which previously existed independently of law. It has, in consequence, been productive of much friction, much irritation, much unsettle-

ment, and a sense of insecurity. I was struck with two things which were said yesterday—the first by the noble Marquess the Leader of the Opposition, who said that, in the case of the Ulster Custom, there was always the absolute power of the landlord in the background to raise the rent. But that is the very thing which has created nine-tenths of the irritation—I am now speaking of Ulster. The people have felt that by the legislation of 1870 you recognized rights, not defining them, but leaving them liable to be indefinitely taken away, whether by intentional encroachment or otherwise, to what extent is not material. They felt that they were liable to have their rights diminished and encroached upon by the exercise, unlimited and uncontrolled, of the landlord's power to raise the rent, which, consistently with the custom, he was entitled to do. As a matter of fact there has been, and is now, in the Province of Ulster, whether or not the landlords have used that power unjustly, a great amount of uneasiness, dissatisfaction, and sense of insecurity. The other remark with which I was struck was made by the noble Earl who was lately Governor General of India (the Earl of Lytton). The noble Duke (the Duke of Argyll) also referred to it in his speech. The remark was, that when you turn customs not recognized by law into legal rights, you infallibly change their nature, and immediately give them a character, in relation to all other pre-existing rights, which they did not possess before. My Lords, that was the inevitable effect of the operation, which, nevertheless, may have been just and necessary. We know that eminent Conservatives, like the late Lord Mayo and others, pressed for a recognition by law of the Ulster Custom long before it was established by law in 1870; and the moment it was so established, the relative position of the parties was changed, and tenant right, which had been tolerated and endured when the custom was not legal, and which then depended only on the good feeling and sense of justice of the landlords, acquired a different position when it became a legal right as much as the rights of the landlord. But what actually occurred? It was in Ulster, if anywhere, that this land movement began. It is the greatest error in the world to say that the state of things with which we have

now to deal is due to the Land League. The Land League was its effect, not its cause. The Land League would never have had the power which it has acquired if it had not found, as materials to work upon, the previous state of feeling and opinion, the previous demand for legislative change, which existed before the Land League, and nowhere more prominently than in Ulster. The significance and importance of this fact are, that if any part of Ireland can be called prosperous it is Ulster; if any part is loyal it is Ulster; if any part is more difficult than another to draw into the vortex of disaffection, it is Ulster. Yet in Ulster this desire for change was originally strongest, because of the feeling, or fear, that the landlord's power to raise the rent might be exercised so as to transfer to the landlord the rights of the tenant; and in that province there grew up a series of Tenant Right Associations for the very purpose of obtaining a better and stricter definition of the rights which, in 1870, had been conceded to the tenants, and which Associations were founded upon the notion that this power of the landlord was one which might be exercised at any time and by anybody. I have never resided much in Ireland, but I can speak upon one point with some slight degree of personal experience. I am not an Irish landlord; but, in the year 1875, I was invited to accept the office of Master of one of the great City Companies, which has a large estate in the county of Londonderry. It had been the practice on that estate, from the time when it came into the Company's own hands, that there should be a re-valuation and a reasonable increase of rent every 20 years. It so happened that one of those terms of 20 years expired while I was Master of the Company. I need hardly say, that the Company desired to behave justly, and not to raise the rent any more than they thought was right. Well, the tenants combined together and resisted. They obtained the services of a Belfast lawyer, who harangued the tenants in the square. We did all we could to consider what was represented to us, and we made a considerable reduction from the original proposal. What did the tenants do then? They still declined to agree to it. Then, other deductions were made, and at last they agreed, with difficulty, to an extremely moderate increase of rent—

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I think not as much as one-third of what was originally proposed. All this process was attended with constant anxiety, if not danger, and I had that experience long before this Bill was thought of. I came, in my own mind, to the conclusion expressed by a gentleman who acted on that occasion as the Company's solicitor, in the evidence which I see he gave before the Bessborough Commission, that it would be a most happy thing for all parties if there could be a Court to settle such land disputes, and so provide the means of diminishing friction between landlord and tenant. I have hitherto been speaking of the North. As to the South and West, I should like to refer to a passage, not in the evidence of the Bessborough Commission, but in the preliminary Report of Professor Baldwin and Mr. C. Robertson, the Assistant Commissioners appointed by the Commission presided over by the noble Duke (the Duke of Richmond and Gordon) dated on the 1st of January, 1880. I beg your Lordships to observe the date. It was before the change of Government; it was before the Land League had attained to any very formidable dimensions. No persons could be more competent than those two Assistant Commissioners. Professor Baldwin had filled positions, both in England and in Ireland, of the highest public importance in connection both with practical and with scientific agriculture. He told the Bessborough Commission that for the last 16 years he had annually visited every county in Ireland, and that he had personally examined and inspected every holding of which he spoke. This is what he and Mr. Robertson said in their preliminary Report—

"Finding so many of the small farmers of the South and West steeped in debt, misery, and poverty, while their lands are undrained and neglected, we asked why they did not adopt better systems of farming? Thousands upon thousands of them could easily double their incomes by the exercise of skill. We have travelled through entire districts without seeing any men at work in the digging of the ground before the winter's frost, or in preparing the land as it ought to be prepared at this season for the coming crops. But the answer to our appeals on both matters was the same; it affords evidence of a conviction which is deeply engraved on the minds of this class—namely, that if they made improvements the rents would be immediately raised in consequence of those improvements. Now, whatever view be taken of this subject, the feeling remains all the same in the minds of these small farmers, and it is strongest in the most backward and most

densely populated districts, and on the estates of land jobbers, and on those of a few absentees and other landlords who do not take the necessary personal interest in the management of their properties. This feeling would appear to have crushed all spirit of progress and improvement out of the minds of these poor people. In the whole range of the heads of our inquiry this is the most delicate and difficult subject. It is as significant as it is suggestive, that several large landed proprietors in different parts of the country have drawn our attention to the existence of this feeling, and made to us statements which, if true, would fully justify it."

I must say that I cannot concur in the sweeping denunciations made by my noble Friend the noble Duke (the Duke of Argyll) of the evidence before the Bessborough Commission. I think his criticism missed its mark. It might have been to the purpose if it had been the main question whether, in particular cases where accusations were made against particular landlords, the facts might not have been misrepresented or misunderstood. I have no doubt they often were; and that in other cases there may have been something to be considered on both sides. But it is impossible to evade the force of this fact, that the Commissioners received an enormous mass of evidence, not only from small farmers, but from large tenants and land agents, and also from landlords, which if it did not prove many actual instances of oppression and unreasonable increase of rent, at least all tended in one direction—that there is a feeling of distrust, anxiety, and agitation among the tenants on this question. All these witnesses proved, beyond a doubt, that widespread feeling of distrust and uneasiness, the effect of which is to make this large and indispensable class of people, the small farmers—the real cultivators of the land—ready to be the victims of agitation, and to be drawn into combinations dangerous to themselves, to the landlords, and to the State. I think, therefore, I am perfectly right in stating that the Land League is the effect of this state of things, and not the cause; and if you want to get rid of such effects you must address yourselves to the cause, and you must endeavour to place the system of land tenure in Ireland on such a basis as will, so far as the law can, meet these causes, and provide, at least, for a better definition of the mutual rights of the different classes. With all the facts, the Evidence, and the Reports that were before us, with the admission, on the

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cardinal point as to rent, by the majority as well as the minority of the Commission presided over by the Duke of Richmond and Gordon, that a case was made out for some kind of public arbitration, and that there was reason to believe that the intervention of a Court for that purpose would be acceptable to a large proportion of the land owners in Ireland—I ask what were we to do? Nobody ventures to say we were to do nothing. We anxiously considered what we ought to do, and we endeavoured to get all the help we could from others. There has been a series of philippics composed by an eloquent writer for the Landlord's Committee in Dublin, the echoes of which have been frequently heard in the course of this debate. I rather think I saw one of them, which contains citations from various speeches by myself and my Colleagues, in the hands of the noble Duke who spoke lately (the Duke of Marlborough). I have read those philippics with some degree of admiration for the literary power exhibited in them; but I have failed to find anything practical in them beyond the assumption that this Bill is utterly wrong. There is nothing in them suggesting what ought to be done. If the Landlords' Committee really meant anything by this flood of eloquence, what was it? Do they truly think that nothing ought to be done? That does not seem to me to be the opinion which has been expressed in this debate even by those who have found most fault with the Bill. But if the Government have taken the wrong way, what is the right way? We did not make the state of things which we find. ["Oh!"] Well, let it be supposed, for the sake of argument, that, at one time or another, we did not do something that we might have done, and that we are to that extent to blame—what I say is that we are not responsible for the state of things I have described, which has been going on almost ever since the Land Act of 1870 was passed. We are not responsible for the Ulster Tenant-right Associations, nor for the origin of the Land League, which was in existence in the time of the late Government. The state of things to which this Bill is addressed existed independently of us, and we had the duty of dealing with it. A more difficult and anxious duty we could not have had; but we could not avoid that duty. The Bill shows our

idea of the right way of dealing with it. I own I heard with regret some of the things that were said by way of criticism by the noble Marquess (the Marquess of Lansdowne). The noble Marquess always speaks well, and perhaps he never spoke better, as far as oratorical or logical power is concerned, than he did last night; but there were some things he said in criticizing the measure which I think were scarcely worthy of him. The noble Marquess possesses all the qualities of a statesman; but I must own that he said some things in that criticism which might have been more worthy of a spoiled child. I refer, among other things, to what he said as to its being a mere play on words to talk of distinctions between "perpetuity," "durability," and "security" of tenure. I think these distinctions are of exceeding great importance. Neither can I think it was altogether fair and reasonable to represent the difference between the proposals of this Bill and the common conception of the "three F's" as one which did not deceive anybody. Those remarks did not appear to me to be worthy of the ability of my noble Friend. I think the differences are exceedingly great. And now I proceed to give my idea of the proposals of this Bill and their justification. I agree with those who put the question of the adjustment of rent by the Court first; everything else depends upon that. If anything is to be done, that must be done. But I do not think it can be said that a fair rent is unfair merely because it happens to come under the head of one of the three "F's." This "F," if you succeed in fixing it, is just to the landlord as well as to the tenant. It will be arrived at after due consideration of all the circumstances of the case. In reference to this point my Friend the noble Duke who spoke first this evening said something which, I confess, struck me with surprise. He found fault with the Government for having omitted in the House of Commons, as if it were to the detriment of the landlord to do so, all attempt to define a fair rent or to indicate certain considerations which were to be elements in that definition. But I really thought that the change which omitted those attempts at definition or those indications had been made at least as much at the instance of the Conservatives as of any others. I believe that those

critics who objected to the original provision were right. If you have a tribunal capable of acting as a judicial board of arbitrators, it is much better that the clause should stand as at present—that regard should be had to the interest of the landlord and the tenant, and to all the circumstances of the case the holding, and the district, for the very reason which the noble Duke urged in favour of the Act of 1870—that it adapted itself to all the varieties of circumstances. A fair rent fixed under these conditions by a competent tribunal will take into account all the varieties of circumstances affecting either party upon which the rent ought to depend. For instance, if the landlord has made the improvements, or has bought up the Ulster Custom, or has managed his estate upon the English system, the rent will be settled according to those circumstances. And so, whatever circumstances exist which may tend to vary the fair rent in the particular case, under the clause as it stands all those circumstances will be taken into account; and the only question material to the point is this—can you trust your public arbitrators? I think you can. To me it does not appear that the settlement of the rent in that way by capable persons, with proper assistance, is very difficult. We know very well that, in all arbitrations, each party states his claim; and the practical result is that something is arrived at which may be more or less favourable to the one or the other, but which fits the circumstances of the case better than if it were left to either of the parties to dictate his own terms. I believe the thing is done constantly in Ireland and elsewhere, and done properly. Certainly, upon the evidence both of the Duke of Richmond's and of Lord Bessborough's Commission, many persons of all classes in Ireland, landlords, land-agents, large as well as small farmers, and many who unite in themselves more than one of those characters, and who are not the partizans of the tenant only, are of that opinion. I come next to the statutory conditions, which seem to me to be at least as beneficial to both parties as any other kind of lease can be, and to provide for the renewal of the term, not with the same rent, but with a re-adjustment of the rent, so that it may be increased from time to time if it ought to be increased, and diminished if it ought to be

diminished. Those conditions do not disregard the position of the landlord; they do not seem to me to reduce him, more than a lease does, to a mere rent-charger; they leave him very substantial rights and the power of periodical re-valuation of rent. But if you are to adjust the rent at all by a judicial tribunal or arbitration, you must secure the right to hold the land at the rent which you so adjust. That is an absolutely necessary consequence of any such adjustment. You may secure it for 15 years or some other period, but some recognized term you must have. How does this injure the landlord, unless eviction for its own sake, and not security for his interest upon proper terms, were his object? Witness after witness, of the landlord class, from all parts of Ireland, told the Bessborough Commission that on his own estates, and on others generally which he knew, there was practically fixity of tenure; that the same tenants and the same families go on holding the land without disturbance, from generation to generation, as long as they pay their rent. So far, therefore, as fixity of tenure is concerned, this Bill does but give definition and security to what is already the general custom and practice. And now I pass to the subject of free sale. With regard to it I deny that under the provisions of this Bill there is any ground whatever for saying that the tenant is enabled to sell, either in Ulster, or in places where no Ulster Custom prevails, what is the landlord's or is taken from the landlord. I deny that it will diminish in any degree whatever the rights of the landlord or the value of the interest he possesses. I should never agree to such a proposal. I adhere to what I said in 1870, that to extend the Ulster Custom, or to do anything else in such a way as to take the landlord's interest from him, and give it to the tenant, would, in my opinion, require compensation. But nothing of the kind appears to me to be either contemplated or done by the permission to sell in this Bill. And if the rights of the landlord are not really diminished by this permission of free sale, I do not see how it can be a subject for compensation. What does the tenant sell? He sells his own interest in his own improvements, those which were not made by the landlord, and over and above that he sells the goodwill of his tenancy as a

going agricultural concern. That goodwill, in the actual circumstances of Ireland, is a most real element in the value of the interest which the tenant sells, for if a new tenant entered without the goodwill, in the literal sense, of the old, there is no question that his holding might be most insecure and even dangerous. There is also another sense of the word goodwill, in which it also represents that which belongs to the tenant, but which the landlord would never, in any way, realize—I mean that fluctuating difference of value between the rent for the time being and what a person would give to succeed to the position of tenant, under all its actual conditions, a person desirous of land as a means of living in Ireland. Now, both these—the goodwill of the holding and the value of the improvements—are things which in no sense belong to the landlord, in a country where it has never been the practice to put an end to tenancies for the purpose of re-letting farms by auction. This which the tenant has to sell—unless you insist on keeping it unsaleable in his hands—is a thing which the landlord never had and never could have. It is only valuable at all as being valuable to the tenant. If the landlord wants to resume, when he may resume, or to exercise the right of pre-emption, which he is in all cases to have, the Court is to determine, not what the tenant could possibly get in the market; but what is the fair value of the holding as between the landlord and the tenant; and another provision of the Bill is that if the Court is resorted to to fix the rent, it may also fix, as between landlord and tenant, the selling value of the tenancy. The fear that a power of alienation, guarded by these conditions, and by the other conditions of the 1st clause, will diminish the value of the landlord's property, appears to me to be entirely groundless. With regard to the economical objection, the experience of the Ulster Custom furnishes a practical answer. It is said that the clause will take away or encroach upon the power of the landlord to raise his rent; but the power of sale is in all cases subject to the landlord's right to a fair rent, which cannot properly be increased or diminished by the value either of the tenant's improvements, or of his goodwill. On many of the best managed estates in the South and West of Ireland, and else-

where out of Ulster, the practice of permitting sale does already exist; and as long as that is the state of things, how can you expect to settle the question, if, on one of two adjoining estates, the right of sale belongs to the tenant, and on the other does not belong to him? To give the tenant terms of tenure which are of a substantial marketable value, and yet to lock up that value from him by prohibiting him from carrying it to a market sufficiently free to ascertain and realize that value, would leave the whole settlement which we are attempting to make unsatisfactory and incomplete. Then you also have these incidental advantages, which seem to me very considerable. You have a security for his rent to the landlord, and also security that when there is a change of tenant the new tenant comes in without the risk of disturbance. You have security against that great danger to the State and to society in Ireland, and to both landlord and tenant, which drives the landlord to the necessity of eviction, instead of allowing this natural and easy safety-valve of sale. Taking the view I do of the intention, the nature, and the probable effect of the provisions of this Bill, I hold that there is no case for compensation. What is the loss to be compensated? If you compare the state of things under this Bill with that which would exist if nothing of the kind were done, the Bill may be expected to restore and increase, not diminish, the value of the landlord's property. And if the work of the Bill is frustrated by combination or otherwise, at least things will not be worse than they are now. I have now explained the view I take of the principles of the Bill, in common with the other Members of Her Majesty's Government, whose intentions I am sure I have correctly stated, and I reserve the details for another stage of your Lordships' deliberations. I confess that though our position has been both difficult and anxious, and though it is not without extreme reluctance that I, for one, recognize the necessity for any measure of this kind, yet, in some respects, I prefer our position to that of the Opposition. There are some privileges of Opposition which I admire more than I envy. To denounce and at the same time support a measure—to recognize the necessity for a thing which must be done, and yet to empty all the vials

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of vituperation upon the responsible Government for recognizing the same necessity—to prophecy every possible failure and evil, while you admit that there is no escape from the necessity before you—these are privileges which I admire rather than envy. I am glad, however, that the conclusion of the Opposition has been what it is, because I think no one would like to be responsible for the government of Ireland, if the present state of things were to continue. It is admitted that a serious attempt must be made to supply a permanent remedy to this state of things, and no one has suggested any other remedy that can be applied if the present measure is rejected. I do not rely much on prophecy; but I prefer, if I must prophecy, to be a prophet of good. Bishop Butler said that nations, as well as individuals, are sometimes liable to paroxysms of insanity. I am afraid that saying is true, and that Ireland has lately been passing through such a paroxysm. But national insanity is, happily, not permanent. The real interests of men are not promoted by it; all classes suffer from it; and, therefore, if a measure of this kind is passed, with the generous, though it may be reluctant, concurrence of those whose power and sentiment it in some degree affects, I cannot but think that happier prospects are before us. Beyond all question, it must improve the moral position of the Government for the necessary enforcement of law. Beyond all question, it will secure the loyalty of Ulster, that great and most important part of Ireland, and prevent it from being drawn into the vortex of turbulence and outrage. And I cannot but hope that, recognizing, as this Bill does, the real value of the rights of the tenant without taking the substance of any right from the landlord, recognizing the principle that the interests of both classes are inseparable from each other, and that the common prosperity of both is necessary for the prosperity of either—it will be accepted and operate as a measure destined to have a healing and beneficial effect in all parts of Ireland.

EARL CAIRNS: My Lords, I do not, I think, misinterpret your Lordships' desire when I say that it is your wish that the discussion on this stage of the Bill should shortly come to a close.

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Therefore, so far as I am concerned, I shall not stand long in the way of that conclusion, and I am the more easily able to do that from the state of the debate up to the present time. We have had a number of speeches, and we have had criticisms of very great weight upon this Bill. I will not speak of the speeches delivered on this side of the House; but I must be permitted to say that we have heard two speeches on the other side of the House—one from the noble Marquess (the Marquess of Lansdowne) yesterday, and which I think my noble and learned Friend who has just sat down hardly spoke of in the way that I should have expected, and another from the noble Duke (the Duke of Argyll) at the beginning of the discussion to-night. I venture to say that two speeches more remarkable, more interesting, more distinguished for the accuracy of their facts, and for the cogency of their arguments, never were delivered in this House. When I look for the argument on the other side, I feel great difficulty as to where I can find it. I certainly have been able to find very few arguments in the speech of my noble and learned Friend, and from him, if arguments were to be produced, I should expect them to come. My noble and learned Friend began by saying that instances of the most violent interference with property and tenure could easily be pointed out analogous to or even stronger than this Bill. But the only instance he gave us was the case of the zemindars of India. I was astonished at his speaking of the tax-gatherers of India, who had not been owners of property, and whose acts on property had to be restrained, as if their case was to be adduced as analogous to that of the owners of property in Ireland. I agree with my noble and learned Friend that there are great emergencies when State interference, even of a violent kind, may take place with private property; no one doubted that. But upon what terms? I will refer to what my noble and learned Friend said in 1870. He said—

“I shall not go into the argument of that subject, because that point was exhausted by the head of the Government when he spoke of fixity of tenure, which, in plain English, means taking away the property of one man and giving it to another. My right hon. Friend said that, according to the principles of justice, if we transferred property in that way, we must pay for it.”—[*3 Hansard, cxlix. 1666.*]

My noble and learned Friend further made use of an argument at which I was much surprised, as I thought it a dangerous argument to use. He said—"You talk of the rights of which this Bill deprives the landlords, their rights of eviction, and other rights of that kind. But what is the use," he asked, "of those powers now? Can the landlords evict tenants from their property, and if they can, do they get anyone to take possession of the property?" My Lords, what does that mean? It appears to me to mean this. That the Government, who exist for the purpose of protecting and enforcing rights of property, may act in a manner which is virtually an abnegation of that duty; may tolerate and support, if they do not encourage, agitation; and may then come to Parliament and say—"The rights of property, which we were appointed to maintain, we have not maintained. They have disappeared, and because through our action they have disappeared, we now ask Parliament to complete that which has been commenced, and solemnly to declare that those rights no longer exist." But I think, instead of following my noble and learned Friend into the long history of the causes which, in his opinion, justified the introduction of this Bill, it would be better that I should for a short time refer to what this Bill actually proposes to do. There are two parts of the measure which I look upon with great satisfaction, though I regret that they do not go far enough. The first of these relates to emigration. With regard to this, I have to say that I am not an advocate for indiscriminate emigration from Ireland, for there is the better class of tenants, the more thrifty and industrious, whom I should be very sorry to see emigrating from the country. But there is the poorer class, especially in the South and West, with regard to whom it is quite true to say that if the State were to-morrow to make them a present of their holdings, that act of generosity would not do them the least good. With regard to that part of the tenantry of Ireland, it would be a very good thing for themselves and for the country if they could emigrate to lands where they would be much happier, where their holdings would be much larger, and where they could exist in comfort, and perhaps in plenty. But when I look upon what this Bill pro-

poses I am greatly disappointed. The Bill was introduced, in the first instance, without any limit whatever; and now I find a provision in it limiting the whole expenditure on emigration to £200,000, to be spread over three years, and enacting that only one-third of that sum shall be spent in any one year. Anyone who knows what is the normal emigration from Ireland—which is something like 100,000 a-year—will see that that sum will not do more than add 3 per cent to the present normal number of emigrants. The truth is, that this scheme of emigration will be of little practical use beyond this—that it testifies that it is right and proper, in the opinion of Parliament, that assistance should be given for the purpose of promoting emigration. Now I come to the other of the two proposals to which I have referred. It is the proposal with regard to purchase. I have always been a very strong advocate of the purchase of holdings by tenants in Ireland, and I supported a proposal to that effect in 1870; but I am greatly disappointed when I see the very persons who formerly were the greatest advocates of proposals of this kind now holding back from supporting the proposal and attempting to limit it. The "Purchase Clauses" of the Act of 1870 were very properly called "The Bright Clauses;" and, if I do not mistake, some few years ago Mr. Bright made a speech in which he said that he had a scheme by which he would turn every occupier of land in Ireland at once into an owner, making him pay his purchase money by the payment of an annual instalment, which would be something more than the rent which he would have been in the habit of paying. But, if I understand the views of Mr. Bright now, he thinks it would be a very bad thing that a very rapid or large transmutation of the tenants of Ireland into holders of land should take place, and, in accordance with that view, the present Bill is limited in a very remarkable manner. How are the Purchase Clauses of this measure to operate? There is a power given to the Land Commission to purchase estates for the purpose of re-selling them to the tenants, and there is no limit to the amount of money with which they may be supplied. So far, all is well. Then the direction to the Land Commission is this—that they may buy an estate where

they find a competent number of tenants willing to become purchasers of their holdings. If you stopped there, I think it would be a very wholesome power to give to the Land Commission. But superadded to that there is a clause of a most extraordinary kind. The 23rd clause says—

“A competent number of tenants means a body of tenants, who are not less in numbers than three-fourths of the whole number of tenants on the estate, and who pay in rent not less than two-thirds of the whole rent of the estate.”

Now, what chance is there of a scheme of that kind working? How can you expect to find so large a number of tenants as three-fourths of the whole number ready and willing beforehand to purchase their holdings without even knowing what the purchase money will be? There are many estates in Ireland with 100 or 150 agricultural tenants, on which there is a hamlet with about as many tenants with small houses and small patches of land. These latter tenants will not want to purchase; and, if they did, they are not the class you want to purchase. Yet they will swell the number of tenants, and perhaps render it impossible that the necessary majority willing to purchase can be made up. I mention this to the Government, therefore, and earnestly entreat them, if they do not wish these clauses to fail, to adopt one of two courses—to consider whether they would not be content to leave it to the Land Commission to decide what, in each case, should constitute a competent number, or, if not, to say that if one-half of the tenants display a willingness to purchase, that shall justify the purchase. But I pass from that to make a few observations on that great division of the Bill which has been most subjected to criticism. My noble and learned Friend who spoke last was not at all pleased with the language which has been used with regard to this Bill. He says that the vocabulary of vituperation has been poured out upon it, that it has been spoken of as confiscation, and other things, which, to his ears, are vexing. Well, my Lords, I am not going to use any language which would deserve the character or have the appearance of that vituperation which my noble and learned Friend so much deprecates; but I wish to quote some language in

which I must express my concurrence, and which comes from a quarter which my noble and learned Friend will see has no prejudice against himself or any Member of the Government—I mean the very eminent person who lately represented Her Majesty as Special Ambassador at Constantinople, and who was lately a Colleague of noble Lords opposite, and of my noble and learned Friend himself. That right hon. Gentleman is in their confidence, and they possess, to a very great extent, his confidence, and I am not sure that he does not use language with regard to this Bill which he would willingly soften if he could honestly do so. What does Mr. Goschen say? He says—

“The Bill imports experimental principle^a foreign to all precedents of previous Liberal legislation, and is itself a kind of Coercion Bill—a Bill for the coercing of landlords to fix a fair rent.”

Then he goes on—

“These are new ideas which would sap the prosperity of this country if they were transferred to English legislation.”

Well, how ideas which would sap the prosperity of England can be sound in principle for Ireland I do not at this moment understand. Then he says—

“I cannot forget, and statesmen must not forget, that the Land Bill has been in a measure due to successful agitation. It is a dangerous thing in the history of a country when agitation is successful.”

Those are the words of a right hon. Gentleman who is as friendly as anyone can be to the Government. I will not use any vituperation; but I adhere to that description of Mr. Goschen. It is a perfectly true description of the Bill, and I hope my noble and learned Friend will not think that I have called a witness against him who represents the views of that side of the House on which I sit. Well, now, I am anxious not to delay your Lordships by any words of mine in description of the Bill. But I do hope your Lordships will distinctly understand that whatever course we take with regard to this Bill, we shall be quite clear in our own minds upon what the Bill really turns. Do not let us deal in generalities such as we have heard from my noble and learned Friend. Let us see exactly what the provisions of the Bill and the circumstances of the case really require; whether we ought to,

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allow the Bill to pass into law, or reject it, or modify it. What the noble Lord the Lord Privy Seal (Lord Carlingford) said simplifies the case very much. He said he was not ashamed of the "three F's," and did not desire to shrink from them. Now, my Lords, it does not require any very elaborate examination of the Bill to discover them, for the Bill itself is purely and simply the "three F's." The matter lies in two or three sentences. Now, of the "three F's" two are free sale and fair rents. Free sale, in so many words, is given on the face of the Bill; so are fair rents. But the question is—Does the Bill grant fixity of tenure or not? In order to answer that question, let me ask your Lordships to consider what is the position of what are called "present tenants" under this Bill. As I understand it, the present tenant has the right to become, at his own option, a tenant in perpetuity for 1,000 years, or longer, if the world lasts so long. That is to say, he comes to the Court, gets his rent fixed, and thereupon holds it at that rent for 15 years; at the end of the last year of the first term he repeats the operation. He lives 15 years more, and he repeats the operation as often as he pleases at the end of every like term. Therefore, I say, he is a tenant in perpetuity. What is the explanation of those—the Prime Minister in particular—who wish to deny that this is fixity of tenure? It is said that it is not fixity of tenure, because the holding may be forfeited on non-payment of rent by the tenant and other counts. But, my Lords, the fact that a holding may be exposed to forfeiture does not interfere with its being a perpetuity. Copyholds are subject to forfeiture, and are they not perpetuities? Leases for lives renewable for ever, which in Ireland are usually known by the name of perpetuities, are forfeitable. Then, again, it is said that the landlord may buy the holding; he has a right of pre-emption, and my noble and learned Friend referred to that as a great benefit bestowed upon the landlord. But what is this right of pre-emption which is said to be a benefit to the landlord? Is it the right to buy something at something less than its full value? No; the landlord, no doubt, has the right of buying the holding, if he pleases, on a change of tenants; but he must do it at the value to be ascertained by the Court.

And how is the Court to ascertain the value? The value can only be ascertained in the same way as the value of any other article is ascertained, by what it will fetch in the market—that is, by auction. Therefore, the landlord can only have a right to purchase the holding at the market value. That is the right which is conferred on the landlord. There are in this Bill, my Lords, the "three F's"—fixity of tenure, fair rents, and free sale. The next point which your Lordships will have to consider is, What does this Bill propose to confer on the present tenants now in possession, and also on the other persons in the country who wish to acquire holdings? The Bill gives them the same right in their holdings which the Ulster tenants have in their holdings. Well, but what does it give? How does this Bill shower down benefits upon that large class of persons—the hungry persons in Ireland, the people who have an earth hunger, who want to become possessors of farms? I doubt, when they have got to understand this Bill, that they will find that it confers much benefit upon them. They may expect some of them, when there is a change of tenancy, to become possessors without paying for it. The landlord has now the right to put in a candidate for a tenancy. But under this Bill that large class of persons, who are to be called "future tenants" of the country, will have to pay a very considerable price in place of coming in, as they are now entitled to do, without paying anything at all. I will illustrate this in this way. We have an Army without the right of purchase. Suppose that suddenly we were to pass a law that the present officers were to have a property in their commissions, no doubt you would confer a very great boon on that class of officers; but what sort of a boon would you confer on those who expect to become officers? And that is what you are going to do in Ireland. You are going to confer a property which I admit will be of very considerable value to the tenants, wherever that value may come from, but which others will have to pay for before they become possessors. Now, I want your Lordships distinctly to understand how far it is the case, as we have been told more than once, that something was done in 1870 which, by inadvertence, embarked us in a course of legislation under which we created

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for the first time a right of property in holdings out of Ulster, and that we have no choice but to follow up that course. I wish to protest against this doctrine in the strongest terms. It is not the fact that anything was done in the way of legislation in 1870 which created any property in the tenantry of Ireland outside Ulster and the Custom of Ulster. It is said that payment by way of compensation was created by the Act of 1870; but the mode in which compensation was given was a sufficient answer, and it negatived altogether the right of property. It was compensation not given to holdings according to their value, but given arbitrarily—given to some and refused to others—or a certain percentage given to one class and a different percentage given to another class. It was utterly impossible if that payment proceeded on the footing of property that it could have been made in the way it was. What was the declaration of the Prime Minister on this question? Nothing could be more unqualified than the way in which Mr. Gladstone spoke on the Bill of 1870, in asking Parliament to consent to it. Mr. Gladstone then said—

“The aim of this Bill is to secure him in that position—to secure him, not by giving him a property in the soil.”

He said, further, that the object of the Bill was to shelter the tenant from eviction, “but not upon the footing of a joint property in the soil.” Here we have the clearest intimation of the intention of the Government. It was not an inadvertence. The Government had considered the matter, and the result was that they determined that legislation should not proceed upon the footing of giving the tenant a property in the soil. Why do I refer to it now? I think your Lordships will see that I do so for an important reason. I protest against the idea that the Act of 1870 had the effect attributed to it. It is said that in that year we proceeded by way of inadvertence. Well, if that is thought to be the case, it is a warning to us not to proceed by way of inadvertence a second time. I find that the clause which repeals the scale of compensation which was provided by the Act of 1870 substitutes a new and larger scale. If it is the case that in providing the scale in 1870 Parliament inadvertently created a right of property in the soil, I hope now that the

question is re-opened Parliament will take care not to create a further right of property in the soil by inadvertently passing another and larger scale of compensation. We have had fair notice, and it will be our own fault if there is any inadvertence on this occasion. But with the changed provisions of the Bill what is the purport and meaning now of a new scale of compensation at all? I can understand that when the Act of 1870 was passed, it was necessary to have a scale of some kind or other. I can understand adhering to it when it is once adopted; but what I cannot understand is upon what principle it is to be argued that the scale of 1870 was wrong, and that the scale in the present Bill is right. The argument adduced by the noble Lord the Lord Privy Seal was that some of the County Court Judges had stated in evidence that notwithstanding the scale of compensation in the Act of 1870, there had been cases in which the landlord had found it worth his while to evict a tenant and pay the compensation, as he found he could get a new tenant to take the holding, and reimburse him the compensation thus paid. The suggestion is that if you make the payment larger that could not take place. Assume that such cases have occurred, they have no bearing when you introduce free sale. If the holding is worth so much, and a new tenant can be got to pay compensation to the old, of course he will pay the same sum now that the old tenant is armed with the right of free sale. Therefore, the necessity for the clause giving the altered compensation entirely disappears. I understood the noble Lord the Lord Privy Seal was of that opinion. He said he believed this compensation for disturbance would sink very much into the background. I agree with the view of the noble Lord; but the legitimate conclusion is that this clause ought not to be in the Bill. There is no necessity to re-open the question of compensation; it is merged, it is absorbed by the higher question of the right of free sale, and having fallen into a trap on the former occasion by inadvertence, I hope Parliament will take care to avoid it now. I now come to the most important question in the Bill—to the effect of free sale on tenancies in Ireland taken in relation to the valuation of rents, or rather, to the valuation of rents taken

Earl Cairns

in connection with free sale. I understand that the ground on which you interfere in the valuation of rents is this. You want to protect the tenant against extortionate payment, due to the competition arising out of the great land hunger existing in Ireland, and which destroys freedom of contract. What is the position of the tenant now that a custom like the Ulster Custom will be extended to the rest of Ireland? There are two elements in what the tenant pays for the land, one the element of rent, the other the gross sum which he pays for the goodwill of the holding. If he pays for the goodwill out of money he has saved, he loses the interest which he might otherwise have. If he borrows the money from a money-lender or a bank, he pays a high interest for it. Therefore, in estimating what the tenant has to pay, you must put together the rent and the proper interest of the sum he pays for possession of the holding. So that what he pays for the land is not the rent alone, and not the interest alone, but it is the aggregate of the two sums. These things are spoken of sometimes as if there were a juggle in the figures, and as if you could get rid of the rules of arithmetic by saying that these two payments have no connection whatever. What does this Bill propose to do? Founded on the theory that the tenant must be protected against extortion arising from severe competition, the Bill proceeds to curb, fetter, and confine one payment—namely, the payment which he makes to the landlord—but you leave perfectly free and uncurbed the other payment, which he makes for getting possession of the holding. The noble Lord the Lord Privy Seal says that this is a pure evasion, and that if you go to an Ulster tenant and tell him that he pays a sum for rental and another sum for interest of the money he has paid for the tenant right, and that he is consequently rack-rented, he will laugh in your face. But, my Lords, that is not so. The Ulster tenant perfectly well understands that the land costs him the aggregate of the two payments, and that if you protect him in the payment of his rent, you leave him unprotected as far as the other payment goes. I am not going to argue the point whether the payment for goodwill has or has not a connection with the payment which the landlord receives by

way of rent. I am not going to argue whether the payment for goodwill comes out of the interest of the landlord; but what I am going to ask your Lordships is this—that you ought to be very careful that whatever theory is to be held on this point should be very clearly expressed on the face of the Bill; because the fear is, that by reason of any ambiguity on the face of the Bill, and notwithstanding the declarations on the part of the Government, it should come to pass—say, by inadvertence, that when the rent of some of these holdings comes to be valued, notwithstanding the declarations of my noble Friend the Lord Privy Seal and the Lord Chancellor, this triumvirate of respectable gentlemen may take up the idea that there is some connection after all between the payment for rent and the payment for interest, and may make the landlord suffer for the payment for tenant right. Suppose there is a holding in Ulster for which the tenant pays £50 rent, while he has paid £500 for the goodwill, and that he comes to the triumvirate, and they say—“We are to fix a fair rent and nothing more. We are to have regard to the interest of both the landlord and the tenant.” Then suppose the triumvirate say—“What is the interest of the tenant? He has paid £500, and invested that capital. That is his interest, and we are to have regard to it.” But suppose by mistake the triumvirate reason thus—“The meaning of our considering the tenant’s interest is this—we are to see whether the rent of £50, which, looking to the absolute value of the holding, is a fair rent; but having regard to the fact that the tenant has paid £500 on coming in, we do not think it is. The rent is £10 too high, and, therefore, we reduce it to £40.” [“Hear, hear!”] Well, they may be right; but suppose they are wrong, what then? Why the consequence will be this—that during the 15 years when the rent is £40, the tenant will say—“I have paid £500; but I have now got the rent reduced to £40, and my tenant right is, therefore, now worth £600.” And if he wished to, he would sell it in the open market for that sum. Then comes the end of that period, and these respectable gentlemen say—“Well, we must go over this process again; we must have regard to the interest of the tenant; but as the tenant’s interest has now risen to £600, and as we reduced

the rent to £40, when the interest was £500, we must now further reduce the rent to £30. And so the tenant will start again with a £30 rent, and will ask £700 for his interest; and so it will go on, and the rent will be reduced each time, having regard to the increasing interest of the tenant." Now, is that a mere supposition of mine? Is that the idea of a person wholly unacquainted with land in Ireland? These are the words of the Devon Commission on this point, of persons who certainly take a most favourable view of the question of free sale—

"It is difficult to deny that the effect of this system is the assumption by the tenant of a joint proprietorship in the land, and that the tendency is to convert the proprietor into a rent-charger having an indefinite and declining annuity."

Now, I am not concerned to argue whether the triumvirate would be right or wrong in doing what I said; but I do maintain that the most honest men in the world may do this under the Bill as it stands, and that, with the most perfect desire to do justice, the result would be such as I have described, and I must say that it would not be surprising if they did. What I want to know is, are you going to leave this matter in doubt; are you going to content yourselves with the declaration made in this House that the tenant right and the rent have no connection, that nothing is taken out of the property of the landlord; or are you going to put something into the Bill which will remove all possibility of its being done in the future? I do not say this merely in the interests of the landlord, but in the interests of the tenant also. Remember, you are creating a property which is to come into the market. You are dealing, not merely with educated landlords, but also with a tenantry of whom many are uneducated. Let it, then, be known what is the thing to be bought and sold, and do not let there be any ambiguities, doubts, and uncertainties which would lead to renewed agitation, heart-burning, and new legislation hereafter. The noble Lord the Lord Privy Seal said that it was not intended by this right of free sale to diminish the fair rent of the landlord, and I ask him if he will put words to make that perfectly clear in the Bill; and, if he will, every criticism I have to offer on this point is at once answered, and is at an end. I should be sorry

to believe that the Government would use in this House any word that they did not mean sincerely; but if so, what is their objection to put those words on the face of the Bill? There were words left out in the other House as to the valuation of rent, words to the effect that the Judges were to consider the element of the tenant right in fixing the amount of rent, and only those who apprehended their effect advocated their omission; but that is not enough when there is a possibility of doubt, and I ask you by all means to put in words to say what is the real principle of the Bill? Now, what does the noble Lord the Lord Privy Seal say?—

"As to the other portion of the tenant right, is it true that the occupation element, the goodwill element, must be taken out of the landlord's fair rent? I utterly deny that. We do not admit it for a moment. We believe that the goodwill element of tenant right grows up inevitably, side by side, in conjunction with, and outside of, the landlord's rent; that it is not carved out of the landlord's rent; and that it does not cut down the landlord's rent."

Now, I wish to know whether the noble Lord the Lord Privy Seal adheres to that view of the case. My noble and learned Friend the Lord Chancellor said he would rather have the responsibility of this measure than be in the position of the Opposition to criticize a measure which they do not reject. The Opposition are quite able to judge for themselves of the course it is their duty to take without my noble and learned Friend's advice, and without his sympathy. Therefore, we are quite satisfied with his view of the matter, and perhaps I may be allowed to return his compliment, and say I prefer the position of the Opposition to the position of those who have the responsibility of this measure. I am not going to prophecy, but I know what are the natural results of a measure of this kind. Human nature will be changed in its course if it does not stop all improvements made by landlords in Ireland. Human nature will alter if this measure does not build up a wall of separation between the landlord and the tenant. I do not know whether it will turn landlords into rent-chargers; but it will at once put an end to every motive which has hitherto existed for a kindly interchange of kindly feeling, good-will, friendship, and fellowship as between landlord and tenant. Another result of the measure does not

require prophecy; for we have had so much proof of what has happened since 1870 that we know the same thing must go on. Up to 1870 tenants had no legal property in their holdings that creditors could touch; but after the passing of the Land Act in that year, the tenants found that they could give security for money, and the result was that many of them got over head and ears in debt. Still larger numbers will get into debt when this Bill is passed. In Ulster, where this custom has grown up, and where they have had to pay for it, the tenants know the value of money and of their holdings; they are careful and thrifty men, and they do not get into debt; but when you suddenly throw this valuable property at the head of all the tenants in Ireland, they will be intoxicated with the possession of that security, which they never had before, and they will fall still more into the hands of the money-lender and the usurer. You know also that those who emigrate now are the best men. What are you going to do? You are going to give them a property which they can at once convert into money for the purpose of taking them away. I say that the effect of this Bill will be to make changes which will take some of the best men out of Ireland. Errors and mistakes are made frequently which cannot be remedied. We, however, are not the Executive Government. The Executive Government have the confidence of the House of Commons, and, having that confidence, they have partly encouraged and partly supported the system of agitation which has prevailed, and they have failed to suppress that agitation by the means which they could command. In fact, they have brought about a state of things which we all deplore, and they have thought it right to attempt to satisfy agitators by presenting them with this Bill. That is a heavy responsibility. But once this has been done by the Executive Government, possessing as they do the confidence of the House of Commons, the case becomes one in which, if this House were to take upon itself to reject the measure, it would, in its turn, assume the responsibility which at present rests with the Government, and which is a responsibility which I do not envy. It is for these reasons that I am glad your Lordships are not going to come to an

issue upon the second reading of this Bill. I have no wish to see the Bill amended in any way which would alter its main lines and features; but it now contains excrescences and inconsistencies which mar the regularity of those features. In these respects, then, there are important Amendments which I would be glad to see introduced into the Bill; and when that has been done I believe that this House will have taken a course which is consistent with the dignity of the House, with our duty as public men, and with the best traditions of the Constitution of this country.

THE EARL OF KIMBERLEY: My Lords, it is not necessary that I should detain your Lordships at this late hour (1 o'clock) for any long period, as my noble Friend the noble and learned Lord on the Woolsack has so fully stated the case of the Government in connection with this Bill. On reviewing the whole of the debate, I think we have no reason to be dissatisfied; but, at the same time, some things have been uttered by the noble and learned Earl who has just sat down (Earl Cairns) which it is my duty on behalf of the Government to notice. It seems, judging by the tone of this debate, that it is admitted on all sides that there is a very grave emergency in Ireland, and that it is absolutely necessary that some measure of this kind should be introduced and passed, and I think that the Bill is founded upon the only lines which the circumstances of the case justify. The noble and learned Earl opposite, who made a very moderate and wise speech, indulged at the end of it, as was natural, in some slight Party recrimination. The noble and learned Earl said, in effect—"Here is a Bill the necessity of which is admitted; but whence arises the necessity?" And the noble Earl answers—"From the conduct of the Government." I undertake, however, to demonstrate to your Lordships that to say that this measure has been rendered necessary by what has taken place in Ireland during the last few months is perfectly preposterous. What did the noble and learned Earl himself say in this House on the 3rd of August last year? He said that any statesmanlike measure introduced for the benefit of the people of Ireland would receive his respectful consideration. [Earl Cairns: Hear, hear!] The noble and learned Earl added that he thought a measure

for the encouragement of emigration was very desirable, that a measure for the establishment of a peasant proprietary would deserve consideration, and also one for the extension of the Ulster Custom to the other Provinces of Ireland; and he added that "all these, whatever view we may take of them, are projects worthy of a statesman."

EARL CAIRNS: But I did not express any opinion as to their merits.

THE EARL OF KIMBERLEY: I have not said that the noble and learned Earl expressed any approval of any particular scheme. All I can say is that we who sat on this Bench, when that speech was delivered during the discussion on the Compensation for Disturbance Bill, said—"Earl Cairns perceives that there must be a large land measure for Ireland, and knows that it must be based upon an extension of the Ulster Custom"—the principle of the present Bill, for from it flows the greater part of its provisions. The noble and learned Earl now says that "After all, this Bill is an embodiment of the three F's;" and as regards two of the "F's" I quite agree that it is. But fixity of tenure is not in this Bill. The noble and learned Earl compared what is in this Bill with copyhold tenure; and, if I did not misunderstand him, he said that in copyhold tenure there is forfeiture. Now, of course, the noble and learned Earl knows well what copyhold tenure is. But my understanding of it was this—that the landlord may recover his just dues from the copyholder; but so long as there is an heir, there can be no forfeiture, as a copyhold is an estate of inheritance. In the absence of an heir to take, the copyhold escheats to the lord. I always supposed that what constituted the fixity of tenure in copyholds was that the heir has an absolute right to be admitted on the Court rolls. But under this Bill there are distinct cases in which the landlord will recover possession of the land—*e.g.*, upon a breach of a covenant, and the landlord recovers absolute possession without any power in the tenant to regain possession. Then the whole class of future tenants will be in a different condition from the present tenants. When we come to discuss the Bill in Committee I think we shall find that the Bill does not contain fixity of tenure. I must say I was somewhat surprised at the attitude now assumed towards the

Bill by my noble Friend (the Duke of Argyll); and I must, therefore, take occasion to refer to what was said by my noble Friend in the year 1870. The noble Duke had not then the same objection to the extension of the Ulster Custom which he has since so strongly expressed. The noble Duke, in a speech on the Bill of 1870, used these words—

"The noble and learned Lord (referring to Lord Cairns), who assents to the Ulster Custom, protests violently against the 3rd clause of the Bill, which gives a position to tenants outside Ulster precisely the same in character as that of tenants in Ulster."

Now, it is curious that upon this subject there is a great deal of discontent in Ulster, and exactly in proportion as the landlords have been able by rules to curtail the Ulster Custom is there dissatisfaction among the Ulster tenants. So much discontent, indeed, prevails that towards the close of the last Parliament a measure was brought forward by Mr. Macartney, which contained three remarkable clauses. The Bill proposed to abolish office rules altogether, and it actually provided that leases should be dealt with. My noble Friend (the Duke of Argyll) is not present, or, no doubt, he would be surprised to make that discovery. My noble Friend said that no attempt had been made to interfere with leases until it was attempted in that Bill. He evidently never heard of this Bill. It is rather remarkable that an Ulster Member should bring in this Bill. The Bill was read the second time in the House of Commons just a month before the Dissolution, and with the concurrence of the Government; and so important did they think it that, at the time of the General Election, a letter was addressed by Sir Stafford Northcote to Viscount Castlereagh on the subject. In that letter, the then Leader of the House of Commons said it had been reported to him that the Government was hostile to Ulster tenant right, and that they were not wholly disinclined to support it, but, if possible, disposed to reverse that policy. A direct contradiction was given to this, and it was stated that the Land Act had been accepted, as they were bound to accept it, honestly. We imagine that we have sufficiently guarded in this Bill the fair and just privileges of the landlord quite as much as they would have been by the Bill which was approved by the late Govern-

The Earl of Kimberley

ment. It has been suggested by the noble and learned Earl opposite (Earl Cairns) that the Bill can be so administered that the landlord's interest may gradually disappear; but that could not be unless the Court utterly disregarded the interest of the landlord, and the Bill says that the Court shall have regard to the interest of the landlord as well as that of the tenant. It may be possible to make the duty of the Court more easy by instruction, if words can be found; but if the Court were to act in such a manner as has been suggested, it would be guilty of a gross dereliction of duty. Tenant right in this case is no landlord's wrong. I would ask those noble Lords who have property in Ireland, and who have spoken in such strong terms of this Bill, whether it is not obvious, when you have found a principle which, whatever may be said against it theoretically, has worked for a long time with, I will not say perfect, but with considerable success in a particular part of Ireland, that we should extend that principle to the rest of the country? If we had a tolerable state of things in the rest of Ireland, I should not say—"Let us extend the principle;" but the state of things in the rest of Ireland is perfectly intolerable. The relations between landlord and tenant, who are the principal classes constituting the great mass of the population, are such that no Government which had any regard to its duty could shrink from bringing in and asking Parliament to pass any measure likely to create a better state of things. A noble Marquess, not now in the House (the Marquess of Salisbury), said that this was a measure of pure and simple confiscation. But when they knew that what the majority of the House chose to call confiscation was inevitable, what was the use of calling it by such a name? The noble Earl the late Governor General of India (the Earl of Lytton), in the long essay he delivered last night—and it was the only portion of that essay which was remarkable—said—

"This may be largely beneficial. I do not regard it with misgiving, because it is confiscation, because confiscation may be necessary."

Now, I think if this measure could be proved to be confiscation all the hard words applied to it would be justified. But the fact is that "confiscation," as used in debate, is a Parliamentary term, and

does not mean what it professes. There are many other matters which have been referred to, but on which I need not touch; but I must allude to the speech of the noble Marquess (the Marquess of Lansdowne), who took so completely a landlord's view of the situation. I suppose many of us were astonished that anyone, much more a great Irish landlord, should say that the question of improvements was a vexed question, except, of course, in the sense that it is vexatious to hear it so often argued; for the fact is beyond all dispute that by far the most of the improvements in Ireland have been made by the tenants. It is astonishing to me that the Bill should have been branded as a monstrous attempt to confiscate the property of the landlord, when the fact is, as has been shown by my noble and learned Friend the Lord Chancellor, that the very essence of the measure is an attempt to save the landlord's property, by rescuing it from the peril with which it is threatened. I heard my noble Friend the noble Marquess (the Marquess of Lansdowne) say—"You think, by a measure of this kind, to quell agrarian rebellion." Well, we do. You may either quell it by the bayonet and grape-shot or by remedial measures. I have said so much about the noble Marquess's speech, because I regard him as one who has great knowledge of the subject and great ability, which I much regretted to see applied as he has applied it to this subject. He throws great light upon it; but he does not bring that fair consideration of the matter on both sides which is more necessary in Ireland than anywhere else, if you are to have good relations between the two classes. Criticisms on a measure of this kind we must expect, and hard words will be lavished on those who have this most responsible and, in some respects, most ungrateful task imposed upon them. The Government, however, have no reason to complain of the general tone of the criticisms to which the Bill has been subject, and we only ask the House to admit that there is a necessity for passing the second reading of a measure based on these principles, and I hope the House will also be guided by the wise advice of the noble and learned Earl who has just sat down, not to interfere in Committee with the main lines of the measure.

LORD DENMAN, amid considerable interruption, said, that if he did not speak against the second reading, he would be under the imputation of agreeing to that stage of the Bill. He would give Notice that, on the Motion for going into Committee, he would move that the House should resolve itself into the said Committee on that day three months.

Motion agreed to; Bill read 2^d accordingly, and committed to a Committee of the Whole House on *Thursday* next.

ROYAL UNIVERSITY OF IRELAND

BILL [H.L.]

A Bill for providing funds to defray certain of the expenses of the Royal University of Ireland—Was presented by The LORD PRIVY SEAL; read 1st. (No. 194.)

House adjourned at half past
One o'clock, A. M. till
Eleven o'clock.

HOUSE OF COMMONS,

Tuesday, 2nd August, 1881.

MINUTES.]—SELECT COMMITTEE—*Report*—Artizans' and Labourers' Dwellings Improvement [No. 368].

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES, CLASS II.—SALARIES AND EXPENSES OF CIVIL DEPARTMENTS.

PUBLIC BILLS—*Resolutions* [August 1] reported—Ordered—*First Reading*—National Debt [236]; Indian Loan of 1879 [237].

Ordered—*First Reading*—Corrupt Practices (Suspension of Elections) * [238].

Committee—*Report*—Petroleum (Hawking) [222].

Considered as amended—*Third Reading*—Wild Birds Protection Act (1880) Amendment [226]; Superannuation (Post Office and Works) * [228], and passed.

QUESTIONS.

MERCANTILE MARINE—LIGHTSHIPS AND LIGHTHOUSES—TELEGRAPHIC COMMUNICATION.

MR. AKERS-DOUGLAS asked the President of the Board of Trade, Whether his attention has been called to the present want of telegraphic communication between lightships and lighthouses

and the shore; and, whether he will consider the desirability of establishing such telegraphic communication if possible before another winter?

MR. CHAMBERLAIN, in reply, said, his attention had been directed to the subject referred to by the hon. Member, and as to which communications had for some time been going on between the Board of Trade and the Trinity House. He was informed that the Trinity House hoped to be able to make a satisfactory Report on the subject in a short time.

ARMY ORGANIZATION—THE NEW ROYAL WARRANT—MAJORS.

MAJOR-GENERAL BURNABY asked the Secretary of State for War, If existing Colonels who were Majors before the 1st of October 1877, and who were eligible for promotion to Major General until the age of fifty-eight, but who under paragraph 77 (2) of the New Royal Warrant, are rendered ineligible for such promotion, and who furthermore thereby will be compulsorily retired at the age of fifty-five will be allowed "to serve and be eligible for promotion until the 1st of July 1885, up to the age of fifty-nine years, and afterwards up to the age of fifty-eight years," as in the case of Colonels who were Lieutenant Colonels before the 1st of October 1877; and, if this relaxation is not granted to all such Majors, whether it will be granted to Colonel Marter of the First or King's Dragoon Guards, who, being a Major, captured King Cetshwayo, and to any other Officers, who, being Majors before the 1st of October 1877, were also promoted for distinguished service in the field?

MR. CHILDERS: No, Sir; I have no intention to relax the rule under which Colonels who were Majors only before October, 1877, will retire at the fixed age of Colonels' retirement—that is to say, at 55. Nor can I see any grounds for a special exception in Colonel Marter's favour. He is apparently only 48 years of age.

ARMY REGULATION ACT, 1871—PURCHASE OFFICERS.

MAJOR-GENERAL BURNABY asked the Secretary of State for War, If "purchase" officers who wish to retire from the Army and realize that value of their Commissions guaranteed by the State,

are (although the purchase system is abolished whereby promotion to a death vacancy has ceased to be a financial benefit to those in whose favour it existed) required to furnish a medical certificate of good health; failing which they are required to pass a quarantine of six weeks, in order that the State may benefit by not having to pay them should they die within that period; and, if such is the case, whether this procedure may at once cease, and all moneys derived thereby since the abolition of purchase may be paid to the executors of any officer who, having made application to retire, may not have survived the six weeks' quarantine in question?

MR. CHILDERS: This is a matter entirely beyond my control. It is governed by the 3rd section of the Army Regulation Act, 1871, and no change in the rule could be made without an Amendment to the Act, which I see no reason to propose.

CHINA—THE OPIUM TRAFFIC.

SIR WILFRID LAWSON asked the Secretary of State for India, Whether his attention has been called to a letter from the Chinese Grand Secretary Li, in the "Times" of July 29th, stating—

"That the single aim of his Government in taxing opium is to repress the traffic. Never the desire to gain revenue from such a source ;"

and, whether the Indian Government is taking any steps thoroughly to review our position with regard to the opium revenue, according to the promise of the Noble Lord the Secretary of State for India?

THE MARQUESS OF HARTINGTON: I have seen the letter referred to from the Chinese Grand Secretary Li in the papers, and I must say that a great many statements and arguments contained in that letter appear to me to be open to very great question. It is impossible for me to reply to those statements in the course of an answer to a Question, and I am sure that my hon. Friend would not wish me to do so. In reply to the latter part of the Question, I have to state that a despatch has been sent to the Government of India on the subject of the opium revenue, which I think contains all the instructions necessary in support of the statement which I made during the course of a debate here two months ago.

IRELAND — THE ROYAL IRISH CONSTABULARY—ALLEGED BREACH OF THE PEACE BY A SUB-INSPECTOR.

MR. FINIGAN asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is a fact that Mr. Young, Sub-Inspector of Constabulary, Raphoe, County Donegal, who has recently been placed in charge of an extra Constabulary force in Gweedore, in the same county, on 28th June, when driving through the townland of Meenanilla, in company with Mr. Ramsay, Solicitor, Letterkenny, and Mr. Robinson, Head Bailiff to Captain Hill, provoked a breach of the peace by calling on Mrs. Gallagher to come out of her house and stab him with a grape; and, if so, whether he approves of such conduct by an officer of the Constabulary?

MR. W. E. FORSTER, in reply, said, he understood Mr. Young and some men were passing the house of Mr. Gallagher with a prisoner. A crowd collected on the road to the barracks, and Mrs. Gallagher shouted some words in Irish, and took up a grape, an instrument used in potato digging. Her husband disarmed her. On a subsequent occasion the Sub-Inspector, with some men, passed the cottage, but neither saw nor heard anything of the woman.

LAW AND POLICE (IRELAND)— POISONED EGGS.

MR. FINIGAN asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been directed to the fact that eggs poisoned with strychnine have been placed, for the preservation of game, in a wood the property of Mr. Richard Longfield, Boherbee, County Cork, within three hundred yards of the houses of some of his tenants; whether the wood, containing a well from which these people are supplied with water, may be entered by several open gaps; whether four children belonging to one of Mr. Longfield's tenants, a widow, on finding one of those poisoned eggs, ate it, and were instantly seized by an attack of cramps and vomiting; whether three of them were dangerously ill for many days, and the fourth for many weeks; whether the police authorities, as well as the dispensary doctor of the district, are not acquainted with this case; and, whether

the statutable notice required was given in this case?

MR. W. E. FORSTER, in reply, said, that he found, on inquiry, that the statements contained in the Question of the hon. Member were true. Poisoned eggs for the preservation of game were placed within 300 yards of the houses of some of the tenants of the estate; and four children who, on finding one of the eggs, ate it, were seized with cramp and vomiting. He was glad to say, however, they had recovered. Mr. Longfield had caused every attention to be paid to the children, had paid the doctor's fees, and sent money to the parents. It appeared that notices of the eggs were posted in the wood, but were not sent to the Constabulary until after the accident. He had no doubt that what had occurred would be a great lesson to Mr. Longfield and to other persons; and he hoped and believed that such a thing would not occur again.

ARMY (AUXILIARY FORCES)—MILITIA ADJUTANTS.

MR. ROUND asked the Secretary of State for War, Whether he proposes that Adjutants of Militia who attain the rank of Major should have precedence over Majors of Militia Regiments?

MR. CHILDERS: No, Sir; not for regimental purposes.

ARMY ORGANIZATION—THE NEW ROYAL WARRANT—PURCHASE CAPTAINS.

MR. MOLLOY asked the Secretary of State for War, If it is obligatory upon the Purchase Captains to accept promotion to the newly-created majorities under the provisions of the recent Royal Warrant; or, can they elect to serve on until compelled to retire, under the Age Clause, at forty-two?

MR. CHILDERS: In reply to the hon. Member, I have to state that, in making the promotions on the 1st of July last, when the Warrant of the 25th of June came into operation, we gave captains who had reached the reduced age at which retirement was compulsory, and who were also eligible and recommended for promotion, the choice between promotion and compulsory retirement. But I see no reason for extending that option to officers who have not reached the age for compulsory retirement.

Mr. Finigan

PARLIAMENTARY ELECTIONS — SUS- PENSION OF CORRUPT BOROUGHES.

MR. T. COLLINS asked Mr. Attorney General, Whether it is his intention to bring in a Bill to suspend until the next Session of Parliament Writs for the cities of Canterbury, Chester, Gloucester, and Oxford, and for the boroughs of Boston, Macclesfield, and Sandwich?

THE ATTORNEY GENERAL (Sir HENRY JAMES), in reply, said, it was his intention to ask leave to bring in a Bill such as that referred to in the Question of the hon. Member that evening.

ORDERS OF THE DAY.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

KNARESBOROUGH COMMISSION.

RESOLUTION.

MR. T. COLLINS rose to call attention to the following statements in the Report of the Royal Commissioners appointed to inquire into alleged Corrupt Practices in the Borough of Knaresborough:—

"We find that corrupt practices did not extensively prevail at the election of 1874. We find that corrupt practices did not extensively prevail at the election of 1880. We cannot close our Report, having regard to the conclusions we have arrived at, without expressing our regret that the expense of this inquiry should, under the 31st and 32nd Vic. c. 125, s. 16, fall on the ratepayers of the borough of Knaresborough;"

and to move—

"That, in the opinion of this House, having regard to statements of the Royal Commissioners, it is not in accordance with justice nor with the policy of the Act of 31 and 32 Vic. c. 125, that the cost of this inquiry should be borne by the ratepayers of the borough of Knaresborough."

The hon. Gentleman said, he had no desire to delay the taking of Supply, and would not have brought the subject forward on the Motion for going into Supply if it were open to him to do so on another occasion. What the ratepayers of Knaresborough complained of was that their borough being pure—as boroughs went—had been saddled with a rate of some 4s. in the pound. He

thought this was a case in which the old maxim, *De minimis non curat lex*, would have applied; and if the rate had been not more than 6d. in the pound he should not have brought forward his complaint, although the principle was the same. Election Commissions dated back as far as 1850, when, under the Premiership of Lord John Russell, a Commission was appointed by Act of Parliament to inquire as to the proceedings at an election for St. Alban's. Two years later another Act was passed which practically perpetuated and made general the St. Alban's Act, and by that Act the cost of Commissions was defrayed from the taxes of the country. This state of things went on until 1867, when a Committee, comprising many of the experts in matters of electoral law, then sitting in Parliament, sat; and, on the Motion of Mr. Whitbread in that Committee, it was determined that in cases where corrupt practices had extensively prevailed the expenses incurred in holding the inquiries should be paid out of the county or borough rates of the localities. This seemed to him to be a very fair proposal; but he would remind the House that in the following year the scope of the Motion of Mr. Whitbread was enlarged, and provision was made that payment of the cost of inquiries should be laid upon the rates in all cases where the Judges reported that, in their opinion, this should be done. He could not but think that, in comparison with the other places in which Commissions had sat, Knaresborough was very badly treated. The object of the Legislature had been the prevention of corrupt practices, and they had refused to allow a Commission to be issued, where the Judge had reported that corrupt practices had not extensively prevailed, merely because a Member had been unseated. It was quite true that in this instance the Judge had reported that he believed that corrupt practices had extensively prevailed; but the inquiry had shown that that belief was not well founded. In such circumstances, it was contrary to the spirit, if not to the letter, of the Act that the borough should be called upon to pay a rate of 4s. in the pound in establishing its virtue. He might quote many cases in which the Government had awarded compensation where they were satisfied a mis-

carriage of justice had taken place. The case of Habron might be mentioned, as well as that of Barber. The issuing of the Commission was an act of inadvertence. The intention of the Act was never to fine the electors for merely isolated cases of corruption, such as was the case at Knaresborough, and therefore it no more fell within the spirit of the Act than the cases of Gravesend or Evesham, where the Members were unseated. He knew that at this period of the Session he was quite in the hands of the Government. It was impossible, without their assistance, to make any headway. He regretted, however, that the Prime Minister was not in his place, that he might make his appeal to him on the subject. He knew that, technically, he had no defence on the question of statutory liability; but he must say that the constituency had suffered from an accident, and this being a wrong created by an Act of Parliament, it was the business of Parliament to find a remedy.

Amendment proposed,

To leave out from the the word "That" to the end of the Question, in order to add the words "in the opinion of this House, having regard to statements of the Royal Commissioners, it is not in accordance with justice nor with the policy of the Act of 31 and 32 Vic. c. 126, that the cost of this inquiry should be borne by the ratepayers of the borough of Knaresborough,"—(*Mr. Thomas Collins*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he was sure the House must feel that the hon. and learned Member had very fairly stated the case to the House, and that he was fully entitled to bring the exceptional circumstances under the consideration of the House. He also felt that there was a substantial grievance to bring forward; but, at the same time, it was impossible to give way to his Motion. The substantial Motion of the hon. and learned Member was that the expenses of this Commission should be borne out of the Imperial taxation of the country. He did not suggest any other means by which it could be met. In the first place, that could not be done without an Act of Parliament. Therefore, he asked the House to agree to a declaration, which must, of necessity, be fol-

lowed by an Act of Parliament, to relieve the ratepayers of Knaresborough from the cost of this inquiry. He was unable to see that either the letter or the spirit of the Act had been defeated. It must have been anticipated by those who framed the Act that Judges not being infallible might make Reports either upon evidence which, upon further inquiry, proved not to be well founded, or upon error. The hon. and learned Gentleman did not himself blame the Judges, and he might mention that this was the first case in which the result had been contrary to their Report. The case had often occurred of prisoners found guilty of crime, and afterwards proved to be innocent, but except in very rare cases the Crown did not compensate them, or even repay the expenses to which they might have been put in their defence; and in those exceptional cases in which compensation had been awarded it had been the subject of severe criticism. If the position of the hon. and learned Gentleman was correct, it would be necessary for the State to pay the expenses of any person who, on appeal to a higher Court, succeeded in having the judgment of the lower Court reversed. He quite agreed that the evidence did not support the Report of the Judges; but while he regretted that Knaresborough should have to bear this expense, he could not see how, so long as the law was as it was, any compensation could be made. The only satisfaction to the people was that they had got one compensation — they had proved their right to elect a Member, and they had secured the able services of his hon. and learned Friend.

Mr. NEWDEGATE said, it was admitted that the Judges were mistaken, and he felt the force of the Attorney General's argument that it was not competent for the Government to accede to the Motion in face of the Act of Parliament; but it was manifest that the law required improvement. He did not expect the law to be infallible; but in adopting a system of secret voting they had raised a great obstacle to inquiries into electoral corruption, and to judge from what he had read they would convert that which in most cases was corruption by a few into a wholesale system of corruption. It was clearly the duty of the Attorney General to bring this question forward again; and he could

only add that his hon. and learned Friend had clearly done his duty in bringing the facts connected with the constituency he represented before the attention of the House.

Amendment, by leave, *withdrawn*.

POOR LAW (IRELAND)—LIMERICK AND BELFAST WORKHOUSES.

OBSERVATIONS.

MR. A. MOORE rose to call attention to the administration of the Irish Poor Law, more particularly in connection with Belfast workhouse. He reminded the House that he had called attention to the same subject last year, and had given considerable time to the matter; and as the result of his Motion an inquiry had been ordered, but that inquiry had been perfectly useless owing to the manner in which it was conducted. Several independent witnesses were silenced, and one, a Roman Catholic chaplain, who was dismissed for saying that the house was a nest of drunkenness, immorality, and vice was never called at all. He should have thought the proper way to conduct an investigation of that sort would have been to send down to the spot a perfectly independent person to act as Commissioner; but instead of that two Poor Law Inspectors were appointed, who had only recently been on the spot making inquiries, and these persons had exonerated the house from the charges made against it. He had not a word to say against Dr. Mackay, one of the Inspectors referred to, and he must say when the Chief Secretary's attention was called to the matter he at once did his best; but what he did complain of was that the Local Government Board had endeavoured, by every means in its power, to thwart and crush and defeat the inquiry. When he made the original statement he made a number of assertions, giving figures and facts, and no attempt was made by the officials to find out if those figures were correct or not. His statement was reported in *The Freeman's Journal*; but some of his facts and figures were not given, although he was bound to say that the reports in *The Freeman* were wonderfully full and accurate considering that they had all to be telegraphed. He had since been supported in his complaint by several of the Guardians of the Union, and had received the warm thanks of a

The Attorney General

number of the ratepayers. It appeared to be generally admitted that the state of this workhouse was extremely unsatisfactory, and yet the inquiry was allowed to prove abortive. In reference to the specific charges which he had made, the charge of immorality was fully borne out by the facts which had been placed in his hands. There were cases of women who had been in and out of the house 60 or 70 times, and who were simply living upon the ratepayers, whilst they led abandoned lives. In other cases women who remained in the house became mothers under circumstances which showed that immorality prevailed in the workhouse. Touching those serious charges hardly a question was asked at the inquiry except one or two questions put to the officials, who could not be expected to give disinterested evidence. On the 14th of April, 1879, the matron complained that paupers were going about the house in possession of pass keys, and doing what they pleased; but not the slightest heed was paid to that charge at the inquiry. The matron was examined, but the question was not even put to her. Then it was alleged that there was a great deal of drunkenness in the house, and the way in which that was accomplished was that, by a combination, property of the Union was sold and disposed of in various ways—in this case surreptitiously introduced into the house. One of the magistrates at Belfast stated that in 1878 no less than 99 cases of drunkenness were brought before him from the workhouse. Yet there was not the slightest cross-examination on this point at the inquiry, nor any attempt made to account for and explain how that drunkenness took place. Another charge was that the old men in the house were put in the same rooms with young, idle, and evil-disposed vagabonds, who treated them with violence, and robbed them of the few coins that they brought into the house. On many occasions these old men had been subjected to the greatest insolence; but no such case was even alluded to at the inquiry. Of course, he knew that anyone would be resisted by the officials who tried to reform any department, and that was what had been done on the present occasion. The officials had endeavoured to cloak over the misdeeds at the workhouse and the remissness of the chief authorities

in Dublin. He hoped that public opinion would rise to the occasion, and that the Chief Secretary would give him some hope that sooner or later, when weightier matters had been disposed of, he would try to reform Irish Poor Law administration. It was quite hopeless to expect any improvement as long as all investigation was to be hushed up and to be set aside. As his Motion was generally directed against the Irish Local Government Board and the administration of workhouses, he would just give another instance of the policy of the Board. Owing, perhaps, to the attention which he had had the honour of exciting with regard to workhouse management, the Limerick Guardians took the matter up very warmly and determined to improve the condition of the children in their workhouse, and they spent a large sum of money in building a new school and decided to place the religious instruction of the children under the supervision of a number of ladies. The Local Government Board were perfectly aware of what was intended from the outset, and gave no sign of interfering with the plans of the Guardians. They waited, in fact, until great expense had been incurred, and then they came down with their obstructive policy and put their foot upon the introduction of these ladies to take care of the school. They put forward the reason that the proposed arrangement would interfere with the religious liberty of the Protestant children in the school. As a matter of fact during three years there was only one Protestant child in the whole school; and, therefore, that objection of the Board was simply frivolous. What would have been said if the managers of a Protestant school had been deprived of these advantages simply because one Catholic child might be affected? The fact was that it was not an honest excuse, but mere hypocrisy on the part of the Local Government Board, who professed to be so anxious with regard to the religious sentiments of a solitary infant in a Roman Catholic school, whilst in other parts of the country where Catholic children were in the majority Protestant teachers were imposed upon them without compunction. He had only to say that there was no Minister before whom he would sooner have the question brought than the Chief

Secretary, for he believed that Gentleman was one of the few men who would give his time and attention to so small a matter which was consistent with his humane and kindly career. He trusted before the right hon. Gentleman left his present post, and accepted some other Department, that he would take some decided steps with regard to the subject at issue, and would endeavour to remedy the evils complained of.

MR. W. E. FORSTER said, he thought the hon. Member had rather under-estimated the difficulties which the Local Government Board had to deal with in making the inquiry referred to. He did not understand that the line taken by the Local Government Board was that they would not allow the children in Limerick Institution to be taught by Sisters of Mercy. What was objected to, as he understood it, was that the Sisters of Mercy should be appointed by an extraneous authority, and the matter had since been settled on the basis that the Sisters of Mercy should be appointed by the Board of Guardians, subject to the veto of the Local Government Board. That was acknowledged by almost everybody to be fair; and, therefore, he did not think the hon. Member was justified in blaming the Local Government Board. With regard to the workhouses, if the hon. Member meant to have brought the subject forward he ought to have put the matter on the Notice Paper, and then he (Mr. W. E. Forster) would have been aware of the intention, and would have been able to look into the subject. Instead of that what appeared on the Notice Paper was simply that the hon. Member intended to call attention to the administration of the Irish Poor Law. With regard to the inquiry referred to, he must say that he had read the Report which was drawn up on the subject, and he must say he thought it was drawn up very fairly, and that the inquiry appeared to have been conducted in a proper manner. The Local Government Board sent down two most able men—Mr. Robinson and Dr. Mackay—and full notice was given of the inquiry. Therefore, those who sympathized with the hon. Member ought surely to have come before the Commission, and given evidence in support of his case. All he could say with regard to the statements made by the hon. Gentleman was that he hoped they would be

fully reported somewhere, as some of them were much stronger than he had seen elsewhere, and he thought having been made in that public way they did require to be again considered. But when the hon. Member said that the Local Government Board ought to have sent down perfectly independent persons to make inquiry, he forgot that the case was one in which the action of the persons connected with the Local Government Board was complained of; and if the Board was worth anything at all it should be able to inquire into the fitness of the persons connected with it. He did not find that in Belfast there was any strong opinion in regard to the officials referred to, nor did he find that the hon. Member's opinions were strongly sympathized with in Belfast itself. With regard to sending down Inspectors to make the inquiry, it must not be forgotten that those persons under the statute had power to take evidence on oath, which other persons had not; and he must say, in justice to Mr. Robinson, that it would be impossible to find a gentleman more thoroughly impartial than he was, for he had no bias one way or other. On looking at the evidence he found Mr. Smith, the chaplain, stated that he was in and out of the workhouse daily, and he observed no improper conduct, or immoral or irregular association. It appeared that the evidence quite justified the finding of the Inspectors, who by no means wished to whitewash the Guardians, or anything like it. They also expressed their dissatisfaction with the relieving officer. After all it was a sort of trial, and it often occurred that when there had been a trial one side was not satisfied with the verdict.

MR. BIGGAR said, he thought in such a case it would be very difficult for a Commission to get at the facts of the case, as they would not know what question to ask, and how they were to find out what it was desirable to know. Knowing something of these matters, he was clearly of opinion that a great deal of mischief arose in such cases from the action of the *ex officio* Guardians. He contended that the ratepayers should select persons to represent them, while *ex officio* Guardians should not be allowed on any Board. In his own county (Cavan) he remembered a case where a coal contractor was convicted of a gross fraud in connection with his dealings with the

workhouse. An inquiry was ordered; but the *ex officio* Guardians taking his part prevented his punishment. He thought such proceedings ought to be put a stop to.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—considered in Committee.

(In the Committee.)

CLASS II.—SALARIES AND EXPENSES OF CIVIL DEPARTMENTS.

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £330,173, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Local Government Board, including various Grants in Aid of Local Taxation."

MR. COCHRAN-PATRICK said, he rose to move the reduction of this Vote by £20,000, part of the sum of £139,500 which was allowed for medical relief grants in England. He was sensible that the course he was taking might, at that period of the Session, be regarded as very inconvenient and unsatisfactory; but, at the same time, it was the only way in which he could give public expression to the very widespread feeling in Scotland that in this matter of grants in aid of medical relief, England and Scotland were placed in an unfair and unequal position. That matter had been so often under the consideration of Parliament that it would not be necessary for him to enter into details; but he asked the attention of the Committee for a few minutes while he recalled the leading circumstances of the case, and the principles on which he ventured to think these grants ought to be regulated. The facts of the case were few, and the principles were simple. When in, or immediately preceding, the year 1845 the attention of Parliament and the country was directed to the question of the Poor Law, nothing attracted so much public sympathy as the question of medical relief. The state of matters then brought to light—the deplorable condition of the poor with regard to medical relief—was almost inconceivable at the present day,

and constituted a disgrace alike to civilization and humanity. Without entering into particulars with regard to that point, which would be found in the Report of the Commission that sat at the time he had referred to, it would be enough for him to say that in 1848 the sum of £85,000 appeared for the first time in the Estimates as a grant in aid of medical relief to the poor. Of that sum, £75,000 was allocated to England and Wales, and £10,000 to Scotland; and at the time the grant was made it was understood that the latter represented one-fourth part of the total sum necessary to put the grant in a satisfactory position. But during the 33 years which had elapsed, although the amount allocated to England and Wales had risen to the alarming sum indicated in the Vote before the Committee, the amount allocated to Scotland remained the same—namely, £10,000. Now, he pointed out that if the principle of a fixed sum being given to Scotland was a right one, the same principle ought to be applied to England and Wales. On the other hand, if the principle applied to the latter of increasing the grants in accordance with local circumstances and taxation were a right one, then he failed to see any reason why it should not be applied to Scotland. He did not ask that the amount granted to England and Wales should be the same as that granted to Scotland, but that these grants should stand in reasonable and proper proportion to each other. There were several bases which might be taken with a view to adjusting that proportion. First, there was the basis of population. And it would be seen by a comparison of the population of England and Wales with that of Scotland, either that the grant to the former ought to be reduced by a sum larger than that by which he was now moving the reduction of the Vote, or that the grant to Scotland ought to be materially increased. Secondly, there was the basis of property and profits. But with regard to that he would remind the Committee that a large portion of the profits returned under the head of England and Wales really belonged to Scotland, because it was a fact that much of these profits belonged to businesses founded and managed with Scotch capital, the proprietors of which preferred to make their returns in London, Manchester, and other large cities.

However, it would be seen that, taking profits as a basis for the proportion, the same result came out. Either the grant to England and Wales ought to be reduced, or that to Scotland increased. Again, the sum paid by the two countries respectively into the Imperial Exchequer might be taken as a basis of proportion; and that view had been forcibly urged on the Committee already upon a former occasion by the late Member for the City of Edinburgh (Mr. D. McLaren), who, for his services in this and other matters, deserved the thanks of all interested in the subject. Mr. D. McLaren laid down that, according to the Returns of 1877, the amounts actually paid into the Imperial Exchequer for England and Scotland respectively were to each other somewhere in the proportion of £51,000,000 to £7,750,000; and although since the year 1877 there may have been some changes, the proportion remained substantially unaltered. In the last place it was possible to fix the proportion of the grants on the basis of the amounts locally raised for medical relief; and here the result came out even better than in the other cases, because in Scotland the total amount raised by local grants for medical relief was four times as much as was received from the Imperial Exchequer. Therefore, he submitted that whichever of these bases was taken, a sum would be brought out which ought to be deducted from the grant to England and Wales, or paid in the case of Scotland, considerably greater than that by which he was moving the reduction of this Vote. The House had had this claim for equalization so frequently before it that he and his hon. Friends were prepared for the arguments that would probably be urged against it. One of these had commonly been, that, admitting that this medical relief grant to Scotland was unfair and unjust, other grants in aid of local matters were in excess of what they ought to be. In respect of lunatics, for instance, Scotland received a larger sum than was strictly proportionate; but to this he demurred.

THE CHAIRMAN said, he must point out to the hon. Member that this was purely an English Vote, and that only by way of illustration could the hon. Member refer to the Scotch question.

MR. COCHRAN - PATRICK submitted, of course, to the ruling of the

Mr. Cochran-Patrick

Chairman. He was merely about to urge that the argument he had referred to might be an excellent one for some purposes, but that it was by no means applicable to the case of medical relief. Then another argument was that the circumstances and conditions which existed in England were different from those in other parts of the Empire. But he was bound to point out that, with respect to the proportion of the English grant, it was regulated by the proportion paid by the locality. That sum in England was indicated by the Vote; but in Scotland it was four times in excess of it, and Scotland, therefore, stood in that respect in a better position. Now, while he was not prepared to say of the system of grants in aid that it was the best or most satisfactory that could be devised, still it was the system that was in operation at the present moment, and until the House and the country had before them the details of any future measure that might be brought forward, he thought he was entitled to ask that the same principle should be applied to both England and Scotland. He hoped that the reply of the Prime Minister would not be put into the ordinary official and stereotyped phrases which for the last 12 years had been so often heard in connection with this subject.

Motion made, and Question proposed,

"That a sum, not exceeding £310,173, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Local Government Board, including various Grants in Aid of Local Taxation."—(*Mr. Cochran-Patrick.*)

MR. GLADSTONE said, the hon. Member in his concluding remarks had referred specially to himself, and had made an appeal which he was perfectly justified in making. For these reasons it might be convenient that he should at once give the explanation which the hon. Member had solicited. He must accompany that explanation, in some degree, with an apology to the Representatives of Scotch constituencies for his having been unable, owing to what he would call the abnormal circumstances of the Session, to take any steps in the direction indicated. Had the circumstances of the Session been of a normal character, the Government would have had more to say, and more to propose, in this

matter than he could now suggest, as he had nothing to propose except the Votes as they stood before the Committee. It must be remembered that those Votes were prepared and agreed to by the Treasury at least seven months ago, when it was impossible for them to anticipate the state of things experienced during the Session. He did not wish to enter upon that subject, but was describing why they had been able to take no steps for the rectification of this particular anomaly. He would not follow the hon. Member through the details of his speech; but he might say that the subject was not new to the Government. A great number of Gentlemen representing Scotch counties and burghs took great interest in this matter, and had on former occasions raised and gone through the whole of the points connected with it. The Government certainly quite agreed that one of two things must be done. Either there must be some comprehensive measure which, while introducing a change in the method of granting subventions for local purposes, would absorb that and other questions in an extended plan; or, if that should not be the case, they must look to a plan of equalization, such as that suggested by the hon. Member. Of those two plans he would greatly prefer the former, because his impression was that it would be accompanied by very great public advantages, and by something of a decentralizing process, which would tend to an enlargement of local powers that would be exceedingly useful in all the Three Kingdoms, but in regard to which the people of Scotland, he might fairly say, were not, at any rate, behind those of any other portion of the United Kingdom in their capacity for administration. Any plan of that kind would probably be not only a fiscal plan, but it would have to be associated with measures for the complete establishment of representative local government throughout the country. However, he entirely agreed—and he came now to the more definite portion of the plan—that if they could not have the more general plans there must be equalization adaptable to this and some other particular Votes, but that adoption must be immediate. He meant that they must not again present the Votes in the shape in which they now were. To that proposition he quite agreed. He accepted much of what had

fallen from the hon. Member on this subject, that the anomalies were too considerable, and that public opinion had been too much drawn to them not to allow of their removing of a great deal of the substantial dissatisfaction which justifiably existed upon this subject. He did not venture to look with any confidence to the course of Business, or to the proposals which it might be the duty of the Government to make in the next Session of Parliament. That would be premature, and he did not think it would be wise for him to indulge in prophecies of a definite character; but, with the feelings the Government entertained, he would not abandon the hope that they would be able to approach this subject with the more comprehensive views to which he had referred; but should they not be able to approach it with those more comprehensive views it would be their duty no longer to postpone particular equalizations, but to make careful examination of these Votes, and to establish real and substantial equality in the treatment of the two countries North and South of the Border. That, he believed, was what the hon. Member expected of him; and it was with a certain amount of satisfaction to himself that the hon. Member and his Colleagues had, in his position as a Member representing a Scotch constituency, an additional pledge, if such were requisite, that he was in earnest in the engagement which he now made.

MR. COCHRAN - PATRICK said, after the very satisfactory statement of the right hon. Gentleman the Prime Minister, he would ask leave to withdraw his Motion.

Motion, by leave, *withdrawn*.

Original Question again proposed.

MR. RYLANDS said, he thought the Committee must have listened with the greatest satisfaction to the remarks which had fallen from the Prime Minister, because while the hon. Gentleman opposite might have just and reasonable ground for complaint with regard to the grant in aid of medical relief for Scotland, English Members had also ground for complaint that the Vote before the Committee had increased enormously year by year. He hoped, after the statement of the Prime Minister, that hon. Members might, upon the lines

indicated by the right hon. Gentleman, look forward to the whole question of local subventions being dealt with.

SIR WALTER B. BARTELOT said, he had for the last two years called the attention of the President of the Local Government Board to the subject of workhouse schools. There was no doubt that pauper children were not receiving the education which they ought to have under the present system, and he had always urged that they should be allowed to go to the schools in the district, instead of remaining in the workhouse schools. He was glad to hear that this would be done wherever it was practicable. Hon. Members knew very well that the present system tended to keep children as paupers, and to make them feel that they were paupers, while the true object was to encourage feelings of an opposite kind, and to teach them that they must hereafter support themselves. This matter was one which undoubtedly ought to engage the attention of the President of the Local Government Board; and he would take the opportunity afforded by the present Vote of asking the right hon. Gentleman whether any steps had been taken to secure accommodation for children outside the workhouse schools, and what arrangements had been made to enable them to attend the schools in their various districts and localities?

MR. DILLWYN pointed out that there was a great increase in this Vote for the present year. The Committee were asked to vote £2,949 more than in the previous Estimates for salaries and wages, £100 more for a number of smaller items, £650 additional for a national vaccine establishment, £550 extra for incidental expenses, besides £2,300 additional for teachers in the Poor Law schools, and £4,300 for Poor Law medical officers. These items made up a total increase amounting to the very large sum of £10,556, concerning which he hoped that some explanations would be forthcoming. For his own part, he quite agreed with the hon. Member for Burnley (Mr. Rylands) in saying that he would rather see the people themselves manage their affairs than that they should be managed for them by central offices; and he would like to see the central departments act as courts of appeal, instead of, as was too often the case, courts of interference. For these

reasons he regarded the increased expenditure of this Department with jealousy, and trusted the right hon. Gentleman would be able to state the reason for the large addition to the Vote of last year.

MR. J. G. TALBOT said, he should like to supplement the remarks of the hon. and gallant Baronet the Member for West Sussex (Sir Walter B. Barttelot) with reference to workhouse schools. He thought his hon. and gallant Friend was justified in saying that this was a matter which ought to engage the attention of the Committee and the right hon. Gentleman the President of the Local Government Board. But he wished also to say a word or two upon a matter cognate with that to which the hon. and gallant Baronet had referred. Something had been done in recent years in the way of boarding out pauper children. That was undoubtedly a most interesting experiment; but it was also one which required to be worked with great care and supervision. The large pauper establishments for the education of children in London, and which, he supposed, also existed in the large Provincial towns, were, he thought, necessary evils. They were certainly a step in advance of the workhouse schools referred to by the hon. and gallant Baronet; but, at the same time, he did not think they were as entirely free from the pauper taint as they ought to be. In his view, the better system would be to bring up the children entirely out of the atmosphere of pauperism. The boarding-out system he had alluded to was one that ought to be closely watched, in order that it might not degenerate into a system of farming out, which, as the Committee were well aware, was open to great abuses. Perhaps the right hon. Gentleman would state how far that system had been applied, and whether he could see his way to extend it in the urban and rural districts of the country?

MR. RAMSAY said, he had on several occasions drawn attention in Committee of Supply to the subject adverted to by his hon. and gallant Friend opposite (Sir Walter B. Barttelot). He had no wish to detain the Committee by discussing the merits of the case, but would remark that the grounds on which the hon. and gallant Gentleman had founded his reasons for placing pauper children

Mr. Rylands

in other than workhouse schools were sufficient to satisfy the Committee that the present system ought to be brought to an end. He trusted that an effort would be made to bring about a proper system of education for pauper children, and that the right hon. Gentleman would explain whether any progress had been made in that direction or not. This subject had been talked about for many years past; but nothing had been done in the way of carrying out the views of those who felt that the education of pauper children should not be conducted in establishments specially provided for them, where they became a sort of caste, but in the ordinary elementary schools, where they would learn to depend upon their own exertions for support, and not look to the workhouse as their home.

MR. T. COLLINS said, it was only to be expected that there should be an increase in these grants, seeing that, during the last decade, the population of the country had increased by 4,000,000. He believed everyone would agree that, if possible, the children of paupers should be educated in the nearest elementary schools.

MR. DODSON said, in reply to the hon. and gallant Baronet opposite (Sir Walter B. Barttelot), that it was the policy of the Local Government Board to encourage the transfer of pauper children from workhouse schools to ordinary elementary schools. The number of those transferred in this way was steadily increasing, and he might add that the standards were now assimilated in workhouse schools to those of the schools under the Privy Council; while the number of children boarded out under the system referred to by the hon. Member for Oxford University (Mr. J. G. Talbot) was between 700 and 800. He quite agreed with the hon. Member, and the authorities were quite alive to the fact, that the system of boarding out required that great care should be exercised to prevent its degenerating into one of farming. His hon. Friend the Member for Swansea (Mr. Dillwyn) had drawn attention to the increase of the Vote; and with regard to that, he was afraid he must say that, unless and until the grant in aid was taken in hand, when possibly some reduction might be effected, the increase would continue. The principal heads of income were those of wages and salaries

in connection with Poor Law schools and infirmaries. The former would be accounted for by the fact that the teachers were of a higher class than formerly, with higher certificates, and were entitled to higher pay in consequence. Precisely the same reasons operated in the case of the Vote for Medical Officers, who were, year by year, becoming men of a higher class, and, therefore, entitled to increased pay. To a certain extent, the growth of the Vote was owing, as the hon. Member for Knaresborough (Mr. T. Collins) had observed, to the growth of the population.

MR. JUSTIN M'CARTHY said, the Vote included a sum of £350 for analysis of water. He thought that was one of the most important subjects that could come before the Local Government Board. It was notorious that the water supply in many parts of London was extremely bad, and only recently there was an apprehension that the gravest consequences would result from its actually "giving out," to adopt an American phrase. There was a very good letter in the newspapers the other day upon that very point, in which it was suggested that the only remedy was to provide a continuous supply. Where there was a large, overcrowded population, there was always a chance of neglect, and the present system of providing only an intermittent supply worked very badly, and might, in cases of extreme drought, produce highly injurious consequences. The want in London of a continuous supply was a very serious one. Such a supply was given in a good many Northern towns of the Kingdom, and was found to work with great satisfaction; and he certainly failed to see why a supply of the same kind should not be provided in London. Of course, it would involve additional expense; but in a city like London that ought not to be a matter of consideration. He believed that the Water Scheme of the late Government included a provision for a continuous supply; and he hoped, now that they were under a Liberal Government, that there would be no occasion to regret that the policy of the late Government had not been carried out. He trusted to hear from the President of the Local Government Board that the question was seriously under the consideration of the Government, and that they were endeavouring

to provide some means for securing a better, a more regular, and in every way a more satisfactory, supply of water for the inhabitants of London.

MR. DODSON: The hon. Gentleman has called attention to this item, which has reference solely to the supply of water for the Metropolis. The Vote is for a monthly analysis of the water supplied by various Companies in different districts of the Metropolis. These analyses are published monthly, and are very valuable, affording, not only information to the householders who consume the water, but also to the different Companies which supply it. It is highly desirable that both should be regularly informed of the nature and condition of the water supply. With regard to the intentions of Her Majesty's Government as to legislation on the subject, I would remind the hon. Gentleman of what I said the other night in answer to a question that was put to me. A Bill on this subject was introduced by the late Government, and it was only interrupted by the Dissolution of Parliament. That Bill was in the hands of the Home Office of the late Government; and my right hon. Friend the present Home Secretary, when he took Office, found the subject was being dealt with there. Accordingly, it was taken up by him last Session, and he had a Committee to inquire into the subject. The necessary Notices were given in the Autumn for the introduction of a Bill dealing with the establishment of a Water Trust for the Metropolis in the present Session; but a Bill of that kind necessarily touches very large pecuniary interests, and the Government felt that it was undesirable to introduce the Bill unless they saw a reasonable certainty of being able to carry it through. The prospect of Business this Session, I regret to say, has been such that they have not felt themselves justified in the circumstances in presenting that Bill to the House; but I can assure the hon. Member that my right hon. Friend the Home Secretary has not lost sight of the subject.

MR. DUCKHAM said, he rose to submit the Motion which stood in his name in regard to Vote 16—namely, to move that the Inspector's salary, and the travelling, personal, and incidental expenses connected with highways in South Wales, amounting to £844, should be disallowed. The Committee would re-

member that last year he took exception to this Vote. He felt that it was unjust to the taxpayers of England that they should have to pay for the inspection of roads in South Wales, whilst the ratepayers throughout the Kingdom in every other part had to pay for the inspection themselves. There might be some explanation required to show why this anomalous state of things existed. It would be in the recollection of all the old Members of the House that some 40 years ago there was a very great disturbance in South Wales in consequence of the closeness of the different toll-gates on the turnpike roads. That dissatisfaction resulted in the destruction of the gates in different parts of the Principality. The Government then appointed a Commission to inquire into the whole circumstances of the case. That Commission reported in favour of many of the gates being removed, also in favour of no gates being allowed within less than seven miles of each other, and recommended that a Superintendent of Roads should be appointed by the Government, and that the sum of £225,000 be advanced from the National Exchequer to pay off the mortgages upon these turnpike trusts. That sum of £225,000 was to be repaid at the rate of £5 5s. per cent, the repayment to extend over a period of 30 years. Sir James Graham, who was then Secretary of State for the Home Department, recommended the adoption of the Report of the Commission, and the result was that an Act of Parliament was passed appointing a Superintendent of Roads. The money was advanced, and, to secure its repayment and the proper maintenance of the roads, the Exchequer had to pay the annual expenses of their inspection. But the money had now been paid off for upwards of five years. On the 9th of March, 1876, the final balance of the debt due to the Public Works Loan Commissioners was reported to be paid at once. Therefore, it appeared to him that, the money having been refunded, there was no necessity for the continuance of an Inspector at the expense of the National Exchequer. If such an Inspector was to be continued in South Wales, he thought the ratepayers of England and of North Wales had a right to complain, or to require that the Inspectors of their roads should be appointed by the Go-

vernment and paid for by the National Exchequer. Either one course or the other should be taken; and, therefore, he begged to move that the allowance of £844 for the inspection of the South Wales roads be discontinued, and that the Vote be reduced by the sum of £844, that being the amount at present paid to the Inspector of Roads.

THE CHAIRMAN: I must point out to the hon. Member that the Question having been put from the Chair to reduce the whole Vote by a certain sum, it is not competent now to move the reduction of the Vote by any particular item.

MR. ARTHUR O'CONNOR asked if it was not competent to move that the Vote be reduced by the sum of £844?

THE CHAIRMAN: It is perfectly competent for any hon. Member to make a Motion to that effect, but not to move that the Vote be reduced by a specific item.

MR. DUCKHAM said, that, under these circumstances, he would move the reduction of the Vote by that particular sum.

THE CHAIRMAN: By what amount?

MR. DUCKHAM: By the sum of £844.

Motion made, and Question proposed,

"That a sum, not exceeding £329,329, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Local Government Board, including various Grants in aid of Local Taxation."—(*Mr. Duckham.*)

MR. PUGH said, the South Wales Turnpike Act provided that the Superintendent should be appointed and paid by the Secretary of State, with power to remove him and appoint another in his stead, if necessary. The further provision that the Act should expire at the time the money was paid off was not made. He thought that his hon. Friend the Member for Herefordshire (**Mr. Duckham**) was in error as to the date on which the money was paid off. The whole, he thought, had not been paid off as long as five years ago; but he believed it was paid off now. Perhaps the grant might be wholly indefensible in principle; but, looking at the circumstances as they stood, he thought he should be able to show the Committee that there were good reasons for not

withdrawing the grant at the present moment, even if they had power to do so under the terms of the Act of Parliament, which he doubted. He understood that the Government were coming forward next Session with a Bill which was to make a substantial contribution, in one way or another, towards the expenses of main roads. Whether that contribution would be made in the shape of giving up a certain portion of the assessed taxes, or in what other way, he was not able to say; but he gathered from what had fallen from the right hon. Gentleman the President of the Local Government Board, and also from the Prime Minister, that there were good grounds for expecting a measure of that kind next Session. If that were so, it was not improbable that Superintendents or Inspectors employed by the Government would be required in order to see that the roads were kept in proper order. What had occurred in regard to the county which the hon. Member (**Mr. Duckham**) represented (Herefordshire) would prove his case. The roads there, formerly maintained as turnpike roads, had been made over to the different local authorities, and the various districts were now required to support their own roads; and in consequence of that they found it necessary to employ someone to superintend and inspect the main roads, in a similar manner to the officer who, in this case, was paid by the Government. The only difference was that in the case of South Wales the inspection of the roads was paid for by the Government, whilst in Herefordshire it was paid for by the local authorities themselves. No doubt, that appeared a hard case; but, looking at the fact that the whole question must necessarily form the subject of legislation next year, he thought the best course would be to leave the matter alone at present. He might remind the Committee that in the early part of the Session he had a Motion on the Paper, asking for an inquiry into the management of all the roads in South Wales—highways as well as turnpike roads. He had no doubt that inquiry was urgently needed. He believed every hon. Member would agree with him that the Highway Act at present in force in England was most unsatisfactory. There was a great deal to be said both for the South Wales Turnpike Act and also for

the South Wales Highway Act; and if an inquiry were made into the working of these Acts it would be of assistance to the Local Government Board with a view to legislation next Session in regard to England. Such an inquiry should be not only undertaken, but should be complete; and he believed it would be found that a great deal of injustice was produced in consequence of the existence, at the present moment, of a kind of dual management. For instance, they had a turnpike road running one way, and a highway road running alongside of it, or branching off from it. The turnpike road had one set of clerks and trustees, and the highway road had another set of officers altogether. In the interest of South Wales and the country at large he hoped the President of the Local Government Board would be able to say that the Government proposed to initiate an inquiry into the working of these Acts during the coming Recess.

SIR WALTER B. BARTTELOT said, he thought that the hon. Member for Herefordshire (Mr. Duckham) had done good service in bringing this question before the Committee, because there could be no doubt that it was one of those matters which showed the unsatisfactory working of the Highway Act as it at present stood. They had been long promised that that Act should be amended; and he ventured to hope that his right hon. Friend the President of the Local Government Board would be able to do something in that direction in another year. But, assuming that nothing was done, the hon. Gentleman the Member for Herefordshire would then be able to come with far greater force and ask that the people of England should have the same advantages extended to them as were now given to South Wales, and that their Surveyors should be paid in the same way as the Surveyors in South Wales were now paid. The right hon. Gentleman would then be on the horns of a dilemma. It would either be right that South Wales should have this privilege, in which case it would be right also that it should be extended all over England, or it ought to be discontinued in South Wales. The question was one which deserved the consideration of the right hon. Gentleman. Many promises had been made that assistance should be

given to the county rates in the direction of highway expenses.

MR. DODSON: I hope that it will not be necessary to enter into a discussion of the Highway Acts, or generally as to the mode of maintaining the highways. The hon. and gallant Member for West Sussex (Sir Walter B. Barttelot) says that I may be placed on the horns of a dilemma, and that we should either provide Inspectors for all the different counties in England, or withdraw the Inspector for South Wales. The hon. Member for Herefordshire (Mr. Duckham) has moved a reduction of the Vote; and, on behalf of Her Majesty's Government, I must say that we cannot assent to it. In the first place, the Vote is for the salary and expenses of a gentleman who holds the post of Inspector during the present year, and who has been hard at work up to the present time in the discharge of his duties; and, moreover, if we were suddenly, and without notice, to get rid of his services, the county authorities have no power to appoint an Inspector in his place. Therefore, it is obvious that, for the present year, this Vote must be allowed to stand. My attention was called to the matter last year, I think by the hon. Member for Herefordshire. [MR. DUCKHAM: Yes.] I should have dealt with the matter this year, but for the circumstance that a Committee of the House of Lords had been appointed to inquire into the whole subject of highways, and that I understood they would extend their inquiry to the South Wales district. Under those circumstances, I abstained from making any proposal to the House this year. I understand that the Lords have taken evidence with regard to South Wales, and I think that next year one of three things will happen. Either the House of Lords will have presented to us some recommendation on the subject, which we may think so valuable that we may adopt it, or the subject of highways in England may be legislated for generally, in which case this South Wales district would be included in the measure, or the House of Lords will not offer us any suggestion which we think ought to be adopted, or we may find ourselves, from the circumstances of the Session, unable to legislate for the highways of England and Wales generally. In that case it would become the duty of the

Government to deal with South Wales by itself, and it will be necessary to amend the South Wales Act so as to enable the County Boards in South Wales to provide for the payment of their own expenses.

Mr. DUCKHAM accepted the explanation of the right hon. Gentleman the President of the Local Government Board, and, at the same time, confessed that he was disappointed that no steps had been taken in the matter. He had hoped that, having brought the question clearly before the Committee last year, something might have been done this year to alter the position of affairs. The hon. Member for Cardiganshire (Mr. Pugh) said that he was wrong in his dates. He believed his hon. Friend was mistaken, and that, on inquiry, he would find that his dates were perfectly correct.

Motion, by leave, *withdrawn*.

Original Question again proposed.

Mr. O'DONNELL said, he rose to call the attention of the President of the Local Government Board and the Committee to a serious grievance arising under the present administration of the Poor Law Department of the Local Government Board. He had intended to move the omission of the item for the inspection of Workhouse Schools; but as he was now too late to do that, he would move the reduction of the Vote by the sum of £500. The grievance he had to lay before the Committee arose out of the manner in which the Act for the transfer of pauper Catholic children in the workhouse to certified Catholic schools, fitted for the reception of such children, was carried out. Down to the year 1862 the Catholic pauper children, the miseries of whose parents had forced them to go into the workhouse, were brought up absolutely as Protestants. There was no provision made whatever for their transfer to any schools in which they could be brought up in the Catholic religion. However, in the year 1862, an Act was passed enabling Boards of Guardians to transfer to certified Catholic schools Catholic pauper children; but as the onus of doing a duty of that kind was thrown on the Boards of Guardians, the Boards of Guardians throughout England were rendered arbitrary in the matter, and, with a few honourable exceptions, they had declined to avail

themselves of the powers of the Act, the result being that nearly all the Catholic children were still kept in the workhouse schools, which were, to all intents and purposes, Protestant schools. Upon complaints being made, a further Act was passed some years later, by which the Local Government Board was empowered, if it thought fit, to transfer Catholic children to Catholic schools. There had been placed in his hands proofs of the manner in which the Local Government Board was discharging the duty laid upon it by the Legislature. He had a statement made by the Rev. B. Wrigley, of Stratford, respecting the religious education of Catholic children at the West Ham Union Schools from 1874 to 1881. These children were, to a very large extent, of Irish extraction, and the Reports showed how they were treated in the West Ham Union Schools. He found, in regard to the opportunities of instruction afforded there, that children were permitted to attend Mass on Sundays, except in wet weather, or from any cause such as the prevalence of small-pox, or any other epidemic in consequence of which it was considered necessary to prevent them from attending. Such a cause was considered quite sufficient to prevent Catholic children from going out of the workhouse and attending any course of Catholic religious instruction. The result was that sometimes for a period of two months Catholic children in the West Ham Workhouse had been unable to attend Catholic worship. If they had been in the Catholic certified schools, means would have been provided for them to allow them to attend the worship prescribed by their own religion. The only opportunity of instruction given to the Catholic school children was on Wednesday, from half-past 10 until 12 o'clock in the morning—only an hour and a-half a week. No Prayer Books were provided by the Guardians for the use of the children on week days; but on Sundays those who were allowed to go to church were supplied by the Board with Prayer Books for their use during Divine Service. No Catechisms were provided by the Guardians, nor was the Catholic priest allowed to provide them himself. The Catholic priest made an application to the Board on November 29, 1879, to be permitted to provide Catechisms for the use of the Roman

Catholic children while the Protestant children were receiving religious instruction; but the application was refused. All Catholic children were required to be present at prayers daily. The priest objected to this; and, for a time, his remonstrance prevailed; but now they were all obliged to assist in these prayers. The children had thus only an hour and a-half during the entire week for religious instruction, and they were deprived of every opportunity of studying their own religion during the rest of the week; and, the priest being forbidden to provide books for religious instruction at his own expense, the result was that when the priest met his flock on the Wednesday for an hour and a-half, he found the children thoroughly imbued with those anti-Catholic prejudices which little children, mixing all the rest of the week with Protestants, were certain to imbibe. The most obsolete trash of bye-gone times, so far as religious prejudices were concerned, and which now only survived in the lowest classes of society, were instilled into the minds of these poor children. He might add that, for two years from 1874, the Guardians of the West Ham Union invented the most peculiarly ingenious system of religious persecution against these poor Catholic children that it was possible to devise; and he was sure that every Member of the House would be ashamed to think that any body of Englishmen could be guilty of such petty and wretched intolerance. From May, 1875, down to the year 1877, an alteration was made by the Guardians in their regulations, by which the Roman Catholic priest was only allowed one hour weekly—namely, from 8 to 9 in the morning, for the instruction of Catholic children, and as that was the time set apart in the school for recreation, these poor little children had the alternative given to them either of giving up their recreation or their religious instruction. The consequence was that, knowing they were shut out from the playground when their Protestant companions were enjoying recreation, they bitterly resented the regulation, and if they came in at all, they came in as mutineers, full of the worst feelings towards the priest, whom they regarded as solely to blame. That miserable persecution was kept up for the space of two years, and even now only an hour and a-half was given in the

whole week for instructing Catholic children in their religious duties. The result was that these children, though still on the books as Catholics, were, without exception, anti-Catholic. They refused to say their prayers when they came in for instruction, or to answer any questions with regard to their Catholicism. They were deliberately deprived by the Guardians of the Poor of every opportunity of being brought up in the religion of their parents; and they were exposed during the whole week to the anti-Catholic influences which were brought to bear against them. The consequence was that although they were nominally Catholics until they reached 14 years of age, when they attained that age they preferred to rank themselves as Protestants. Every effort had been tried to remedy this grievance. Deputations of Catholic ratepayers had waited on the Board of Guardians; but all to no effect. But the Local Government Board had it in its power to provide a remedy. It was empowered by the Act of Parliament, wherever it thought fit, to remove Catholic pauper children to certified Catholic schools, and there were abundant schools of that character provided by the Catholics all over the Kingdom—infant schools, schools for children of more matured years, and schools in which, in addition to religious instruction, they were taught carpentry and many other useful professions. But because they were Catholics their rights were destroyed, and their parents' rights were destroyed in their persons, all because the Local Government Board refused to exercise the powers conferred upon them under the Act. Of course, the words of the Act said that the Local Government Board were only to exercise this power "if they thought fit," and this latitude had been exercised in a way which was highly detrimental to the interests of the Catholic children. The same complaint might be made with regard to the district school of Forest Gate, in Essex. There the children were allowed to go to Mass on Sundays according to a general rule; but, for religious instruction, the priest was only allowed to visit them one day in the week—on Monday, from 2 to 4 P.M.—and as he had to visit first the boys over seven years of age, and then the girls over seven years of age, there was only one hour for religious instruc-

tion to any single Catholic child. No Prayer Books or Catechisms were furnished, and those which were furnished by the Catholic clergy were soon destroyed or lost. The children themselves said that they were torn up by their Protestant playmates. In November, 1876, an application was made that Catechisms should be supplied by the Roman Catholic priests for the use of the children, to be distributed by the schoolmaster and mistress to the children at stated times, when Protestant children were receiving their religious instruction; but the application was refused by the Board. With regard to receiving the Sacrament and the administration of the Eucharist, it was the law of the Catholic Church that the Eucharist should be received fasting. That ordinance differed from that of the Protestant Communion. An application was made that at Easter time, when all Catholics were bound to receive Communion, a certain number of the children should be permitted to fulfil their Easter duty. It was necessary that in order to fulfil that duty they should go to Communion fasting on Easter Sunday morning; but the Board refused to allow the privilege, and one poor little girl who tried to refrain from taking breakfast, so that she might fulfil her duty, was forbidden by the schoolmistress, and even beaten with a cane until she did eat her breakfast. It was humiliating to have to relate to the House these miserable little stories; but the result in the Forest Gate School was just the same as in the West Ham Union School. The promise made to the Roman Catholics of the country was being kept to the ear, and broken in every other sense. There were not sufficient opportunities for bringing up Catholic children in the religion of their parents; and, of course, being continually in contact with Protestantism of the most coercive and ignorant kind, and being constantly bullied by Protestant children—for in Forest Gate the Catholic community only numbered 90 out of 650 children—and being subjected to railery and abuse of every description, both boys and girls, long before they came to the age when they could decide for themselves what religion they would adopt, got ashamed and discontented with their own religion, and represented themselves to be Protestants. Even those who

attended the religious instruction provided for them maintained a hostile attitude during the religious service, and treated it with contemptuous derision. He would mention only one case, that of a girl 12 years of age, who was sent to the school by the Guardians of Whitechapel. She had been well instructed in the Catholic school in Spitalfields; but after a very short experience of her new abode, she found that she did not dare make the sign of the Cross, even when the nuns were present. She found, further, that the other children ridiculed her in the dormitory when she attempted to say her Catholic prayers at night, and that she was so laughed at and derided that she very soon abandoned all religious ideas. The general result was that these children soon picked up all the stupid stories about Catholicity which were instilled into their ears, and when brought up for Catholic instruction they turned round and positively insulted the priest, saying that the Catholics worshipped images, that they adored the Virgin, and making use of all the other rubbish which in bye-gone days had been applied to the Roman Catholic religion. With regard to Forest Gate, he had with him a list of the Catholic children who were brought up under these anti-Catholic influences, and he found they included the names of Barrys, Sullivans, O'Connors, and others. That showed their Irish extraction. They were evidently the desolate offspring of poor Irish Catholic parents who came over here under the ægis of British toleration, and this was the manner in which they were brought to deny the faith of their forefathers. It was very pitiful and very wretched, and if the Boards of Guardians had any idea or knowledge of what was going on, the fact that they took no course to stop such a system of persecution was most astounding. At the same time, it must not be forgotten that the Local Government Board had the power to transfer these children to certified Catholic schools; and, therefore, the whole responsibility rested upon the Local Government Board. Thousands of applications had been made to the Local Government Board for the admission of pauper Catholic children into certified Catholic schools; but they had been left entirely without answer. It could only be said of the Local Government Board that the steps they had

taken certainly tended to nullify the benefits which were proposed to be conferred upon the Catholics by the Act of the Legislature. When an application was made to them for the removal of a Catholic child to a Catholic certified school, they required not only that the child should have been entered upon the books of the workhouse as a Catholic, but that the parents should also be so entered upon the workhouse books. Further, they insisted upon a certificate of the child's baptism; and in some cases a certificate of the marriage of its parents. If the parent was dead then they required a certificate of his burial, and so forth. These regulations involved an enormous amount of trouble and expense, and the trouble and expense were thrown upon the Catholic body in order to satisfy the requirements of the Local Government Board. It was the only case in which he believed such excessive precautions were taken. On all ordinary occasions the Register of the workhouse was allowed to be proof, and it certainly ought to be allowed as *prima facie* proof, pending the bringing forward of some strong case to show that the child was not a Catholic. In this case these requirements were enforced when there was really no denial whatever of the Catholic religion of the child. The religion was admitted for all ordinary purposes; but whenever it was proposed to transfer a Roman Catholic child to a Catholic certified school then all the ingenuity of red tape was brought into requisition, and certificate upon certificate was required to be piled up before the Local Government Board would consent to look at the application. For years and years past, to all intents and purposes, the Local Government Board had declined to carry out the will of the Legislature, and in the hands of the Local Government Board the Act of Parliament remained a dead letter. Hundreds and thousands of applications had been left altogether unattended to. The list of Catholic children, who between 1871 and 1880 had attained the age of 14, and had received nothing but Protestant education, was very large. They had been induced to give up the religion of their parents rather than struggle with the school authorities. He had given an idea of the manner in which the Local Government Board construed their duties. What was going on

in the West Ham and the Forest Gate schools was going on in scores and scores of other schools; indeed, he was afraid that the same thing was practised in hundreds of Unions throughout the country. Every year applications were made to the Local Government Board for the removal of these onerous restrictions and precautions with regard to the multiplication of certificates; but the Local Government Board, relying upon their own interpretation of the words of the Act, which allowed the Local Government Board, "if they thought fit," to transfer the children, had simply not thought fit, and had left the Catholic children without Catholic instruction of an adequate kind, keeping them in a flagrantly aggressive anti-Catholic atmosphere under the influence of the worst kind of proselytism. By this means the faith of these poor little children had been stolen from them simply because they were the children of poor paupers whose circumstances had placed them under the Poor Law system of tolerant England. In formulating this grievance he was only able to lay the broad facts before the Committee. He had confined himself to as few points as he thought would be sufficient to establish the case. If the right hon. Gentleman at the head of the Local Government Board desired more proof he would undertake to occupy a number of continuous Sittings of that House with the enumeration of cases of hardship of this kind which had taken place all over England. In conclusion, he would say to the Members of the House that it was not merely the grievance and the injustice that these children were deprived of the Catholic instruction to which they had a right, but they were not even brought up as Christians, because while they were nominally on the rolls of the workhouse as Catholics they were really receiving no Catholic instruction whatever, and not being Protestants they received no Protestant instruction, although when they reached the age of 14 years they generally declared themselves to be members of the Church of England. That was merely the formula adopted for showing that they had ceased to be Catholics. The fact of the matter was that these children were without even Protestant Christian education, and they were turned out upon society without having received any re-

ligious instruction at all. The result was that they were constantly found in the police courts, and it would be seen from the cases that occurred there that the major part of them were of Irish extraction. The result of this was that the Irish nationality suffered the blame for the misconduct of these children, who, really out of hatred of Catholicity, had not been allowed to receive a Catholic education, and, at the same time, had received no moral or religious instruction whatever. The list he held in his hand contained the names of hundreds who had been deprived of every kind of religious instruction and turned into the gutter of sin and vice because the Local Government Board, in 99 cases out of 100, declined to carry out the munificent intentions of the Legislature, and to place these children in a position in which they could receive religious and moral education. It had been suggested that one of the reasons why the Local Government Board no longer attended to the applications for the transfer of Catholic children was, in fact, that some of the officials of the Local Government Board had grown weary of the multiplication of applications. These applications were originally enforced in order to prove that it was a Catholic child who was being transferred; but the multiplicity of certificates now required to be produced was most obstructive to the interest of the Catholic claimants, and it turned out to be extremely worrying and unpleasant to the Local Government Board officials, who, in the first place, had insisted upon them. In point of fact, the very multiplicity of the restrictions and precautions required to be observed by the Catholic body had grown distasteful to the Local Government Board, and in order to get rid of the burden they refused to pay any attention to the applications. He could give instances in connection with schools in the Metropolis to justify this assertion. He hoped the present head of the Local Government Board would give the Committee some assurance that he would take immediate steps for the transfer, from one end of England to another, of every Catholic child in regard to whom due application was made for such transfer so as to insure that he should be brought up in the religion to which he belonged. No claim was made which would involve any increase of

money or increase of charge; in fact, he believed there would be a saving; but, at any, rate nothing more was demanded in any case than that the child should receive as much as a scholar would cost in a Protestant workhouse school. The Catholics were willing to take the children upon any terms if the Guardians would name their own figure. They were anxious to stand by these poor little ones and obtain for them a moral and religious training, and that freedom and liberty of conscience which ought to be respected in such poor helpless human beings.

THE CHAIRMAN: The hon. Member has not concluded with a Motion.

MR. O'DONNELL said, he had intended to move the reduction of the Vote by £500.

MR. MACFARLANE said, he had no desire to prolong the discussion; but the subject was one of great interest, and he had been for some years a Guardian in the parish of Marylebone. Some time ago he moved for a Return for the purpose of showing the cost of maintaining these children in the workhouse and in the certified Catholic schools. He believed when that Return was laid on the Table—and he was surprised that it had not yet been produced, as it was many weeks since he moved for it—that it would astonish some hon. Members of that House. As far as he remembered, there was one workhouse in London in which the average cost of each child maintained in the workhouse was very nearly £60 a-year; and yet the same workhouse authorities would only allow a starvation price to a certified Catholic school. There was a school in the East End of London where a large number of children were received. It received at this moment a very large number of very young children, and the sum paid by the Guardians was not sufficient to give them bread and water. The consequence was that the persons in charge of these children were continually begging in order to obtain sufficient means to feed the children without coming upon the rates of the Metropolis. As the hon. Member for Dungarvan (Mr. O'Donnell) had pointed out, the Catholic authorities were willing to take the children for nothing sooner than their faith should be perverted in the workhouse in the manner which had been described; but he was sure it was not the intention of the Legislature, or the wish of the Pre-

sident of the Local Government Board, that the expense should be entirely thrown upon the Roman Catholic population in order to save the Metropolitan rates. When the Return he had moved for was produced, he meant to ask the right hon. Gentleman to use the legal powers of the Board as far as possible in requiring Boards of Guardians to pay the whole expense which was legitimately chargeable upon them, and to compel the Boards of Guardians to pay for each child what the cost of its maintenance would be in the workhouse. The hon. Member for Dungarvan complained that the children were not transferred, and he thought the hon. Member had made out a strong case against the authorities. He did not see why the Local Government Board should allow any Catholic child to remain in a workhouse school at all. The Board had absolute power to command the Guardians to transfer such children; but nothing except the exercise of the arbitrary powers possessed by the Board would induce the authorities to put in force the powers they possessed. It had been a great scandal and a shame for many years. He knew a workhouse school where the Catholic chaplain had to trudge two or three miles two or three days a-week in order to teach the children who were in the school, and who the Guardians refused to transfer. The Guardians thought that they were doing the chaplain a great favour when they allowed him to go in and give the children two or three hours' instruction a week for nothing. Such was the extraordinarily perverted view they took of their duty in the matter. They seemed to have no religious ideas in the matter at all, nor to desire to do unto these children as they would be done unto themselves. Men who were perfectly fair on every other subject were blinded by prejudice and ignorance when this question of religion came up. He had no doubt, as the hon. Member for Dungarvan had pointed out, that the result was most injurious to the State, because the effect was to turn out a large number of children who were neither Catholics nor Protestants, but who were simply nothing more than half-educated heathens.

MR. HIBBERT said, he thought the hon. Member for Carlow (Mr. Macfarlane) was in error in supposing that the Local Government Board had power to

transfer all Roman Catholic children to Roman Catholic schools. They had, however, the power of transferring Roman Catholic children on the application of certain persons; but it was impossible for them to override the wishes and decisions of the Guardians in respect to Roman Catholic children. He did not deny that there existed among many Guardians in this country a great amount of prejudice, and even intolerance, with respect to this question; but the Local Government Board would be glad to see all these cases treated in a broad spirit, and, as far as possible, in the spirit of the Act, which was framed so as to do justice to the Roman Catholic sentiments of the people. He denied the statement of the hon. Member for Dungarvan (Mr. O'Donnell) that there was a great number of applications for the transfer of Roman Catholic children. If the hon. Member could substantiate what he had said he would have made out a strong case not only against the Boards of Guardians, but also against the Local Government Board; but he thought there was great exaggeration in the hon. Member's remarks. He had stated that from 1871 to September, 1880, there had been hundreds, and almost thousands, of cases in which application had been made for sending Roman Catholic children to Roman Catholic schools. He could not say what took place between 1871 to the time when the present Government took Office; but he did know that in the last 16 months there had not been before the Local Government Board more than 12 or 14 such applications. He quite admitted that there had been a great amount of dissatisfaction on the part of the dignitaries of the Roman Catholic Church as to the way in which Roman Catholic children were treated at Forest Gate School and at some schools in the Metropolis. [MR. CALLAN: Every school.] He could not admit that, because, in a recent conversation with a very high dignitary of the Roman Catholic Church, that gentleman said that with respect to several schools there was no complaint at all. [MR. CALLAN: Name, name!] The conversation was a private one, and therefore he did not think it right to give the name.

MR. CALLAN rose to Order, and protested that if a Roman Catholic dignitary was to be referred to in that way his name ought to be given.

Mr. Macfarlane

THE CHAIRMAN: That is not a question of Order.

MR. HIBBERT said, he should be glad to give the name outside.

MR. CALLAN: It should be given here.

MR. HIBBERT, resuming, said, that with respect to some of the cases that had been brought before them, the Local Government Board had so far overridden the wishes and decisions of the Guardians as to recommend that children should be sent to Roman Catholic schools; and in other cases they had recommended the transfer of Roman Catholic schools. In some cases the Guardians had shown that every arrangement was made for the religious instruction of the Roman Catholic children, that they were visited by Roman Catholic priests, and were able to attend services in their own churches; and, in such cases, if the Guardians had expressed a decided objection to those children being transferred, the Local Government Board had not overridden their wishes and decisions. For himself, if he found in any case that the children were being treated as the hon. Member for Dungarvan had stated, he should consider that the Local Government Board would be justified in overriding the decision of the Guardians and transferring the children to Roman Catholic schools. The hon. Member for Carlow said that in many cases the amount paid for Roman Catholic children was very low; but he (Mr. Hibbert) believed that in every case in which an order had been issued by the Local Government Board for the transfer of children they had required payment to be made equal to the cost of the education and maintenance of the children in the workhouse. An inadequate amount might have been paid where the Board had no control; and they had no control when the Guardians had themselves agreed to transfer children. In such cases they paid what they liked; but he thought the spirit of the Act was that an equal amount should be paid. Then, again, the policy of the Local Government Board, at all events since he had been there, had not been antagonistic to the Roman Catholic children or to the wishes of the Roman Catholics who desired to protect those children. They had desired, while, of course, taking notice of the wishes of the Guardians, to make every allowance for the strong

feeling of the Roman Catholics themselves. They wished to do fair justice between both parties; and, if they had any leaning at all, it was rather to carry out the desires and wishes of the Roman Catholics.

MR. T. P. O'CONNOR said, he could scarcely think the answer of the hon. Gentleman quite satisfactory. With regard to the powers of the Guardians, the Act declared that any Board of Guardians might send any poor children to any school properly certified and supported wholly or in part by voluntary subscriptions, and the managers of which were willing to receive them, and might pay for the maintenance of such children a sum not exceeding the total sum which would have been charged for their maintenance in the workhouse. And the 2nd section of the Act provided that, on the application of the parents or other persons specified, the Guardians might send the children to some school. There had been several discussions in the House as to the difference between "may" and "shall" in Acts of Parliament, and all the lawyers had agreed that "may" was practically "shall;" and he, therefore, thought the Local Government Board should regard the word "may" in this case as "shall." He thought, further, that the Guardians ought to be compelled to do these things, because they were recruited from the ranks of the shopkeepers who were remarkable for bigotry. They were of all classes of society the least capable of appreciating the fact that, as a governing body, they had nothing to do with forcing their religion on anyone else. The Local Government Board represented a higher class of society and of feeling on religious questions than the shopkeepers, and they should encourage religious toleration. He did not think they would have any difficulty, if they took strong action in the matter, with the conviction that they had the moral authority of Parliament with them; and he hoped they would, in all cases which came before them, interpret the clause to mean "shall." The next question was as to expenses. He might be inclined to agree that the Guardians could not be asked to send these children to Roman Catholic schools if they caused greater expense than they would at the ordinary Board schools; but there was in England and Scotland a Roman Ca-

tholic population, which, though for the most part poor, had been generous enough to endow a certain number of Roman Catholic schools. That was a thing which, as a matter of interest and of duty, the Government ought to encourage. Then, as to the question of facts, as between the hon. Member for Dungarvan and the hon. Gentleman (Mr. Hibbert), the hon. Gentleman said there had been only a few applications to the Local Government Board during his presence there. Of course, that statement would go forth to the proper authorities; the authorities of the Catholic Church would be able to see whether there had been sins of omission in this matter, and if they found there had been, their efforts would compensate for lost time. He wished the Local Government Board also to consider another point. The hon. Gentleman was perfectly correct in saying that applications should precede directions by the Board. That was evidently the intention of the Act. But he found in the Act the words "God-parent of such child;" and as a large number of these children were orphans, he thought it would be well if the Government would accept applications for the transfer of children from the pastors of the districts.

MR. HIBBERT: They do that.

MR. BIGGAR urged that the Local Government Board should apply a little more pressure to Boards of Guardians, in order to turn the balance in favour of Roman Catholic children. He did not desire to see them act unfairly towards the Guardians; but when it was found that the Guardians were disposed to favour Protestant children, he thought the Board would be justified in acting determinately against the Guardians. With regard to the religion of the pauper children, he knew that in Belfast, which was a very non-Catholic place, and where there had never been more than one Catholic Guardian on the Board at any time, a child was assumed to belong to the religion in which it was entered on the books until the contrary was proved, and the result was that in some cases, where there was room for controversy, fights of words took place. The Guardians in those cases gave a decision according to the evidence; but, as a rule, they threw no obstacle in the way of children being educated in the religion entered in the books. He thought that in England the statement of the

person who brought a child to the workhouse as to the religion should be accepted as sufficient, without the registration of birth or of baptism being required.

MR. ARTHUR O'CONNOR said, he was not at all surprised at this question having been raised, for there was a large amount of needless suffering endured by poor people in London, because they dreaded the danger of having their children proselytized if sent to the workhouse. He knew of numbers of children in London who ought, owing to the condition of their parents, to be in some institution for the relief of the poor, but who, because of that dread, were dragging out a miserable existence in the slums and purlicues, aided by such charity as the poor Roman Catholics could afford. He thought the words of the clause should be mandatory on the Guardians, and that was the interpretation put upon them by the right hon. Member for Ripon (Mr. Goschen) when he was President of the Local Government Board, and by Lord Devon. The right hon. Member for Halifax (Mr. Stansfeld), when he was at that Department, said he did not think he ought to interfere with the Guardians on that matter, and the consequence was that the numerous applications made to the Guardians and to the Local Government Board were found to be a waste of time, and the great body of poorer Catholics became despondent and ceased to make applications. Of late the applications sent to the Board had, in a large number of cases, been treated with a fairness which could not be denied, and he wished to thank the President of the Board for that; but he hoped that an assurance would be given that in future every such application would be treated with the same amount of fairness. If that assurance could be given this discussion would not have been thrown away, and would be agreeably looked back to by the great body of Catholics throughout the country. He did not blame the Guardians or the Government, but he thought the Catholic bodies were to blame. The English Catholics were, in matters of this kind, more apathetic than any other body in the country, and they saw injustice inflicted on the poorer classes of their co-religionists in England without any reasonable effort to put an end to it. If they had taken the

Mr. T. P. O'Connor

trouble which other religious bodies had taken to secure representation on Boards of Guardians, he was satisfied that one-half the complaints that were being continually dinned into the ears of the Catholic Irish Members would never be heard at all. When he first became a Guardian of the poor in London he found that the Catholics in the workhouse of the Union to which he belonged had not been allowed to go to Mass for five months; and the admission of a priest was so arranged, once a week, that it was a perfect farce for him to pretend to administer to the religious requirements of the inmates. There were no Catholic Prayer Books issued to the Catholic paupers, although Prayer Books were supplied to the Protestants, and many Catholic children were being sent to Catholic schools. Well, he had not been on the Board a week before the Catholics were allowed to go to Mass, and he had not been there very long before Prayer Books were issued to them, and before the priest was permitted to attend the paupers at reasonable times. Every reasonable facility for continuing the observances of their religion which he could possibly have desired was granted to the poor Catholics, notwithstanding that he was but one Catholic against 19 Protestants on the Board. He was bound to say this—that in this Union, which, before, had been noted for its bigoted treatment of the Catholic children, directly there was a Catholic on the Board all the difficulties disappeared. The Catholics, he thought, were themselves to blame for what occurred in connection with Boards of Guardians. They did not attempt to obtain representation on them as they might and ought to do. He was very well satisfied with the declarations of the right hon. Gentleman (Mr. Dodson); and he sincerely trusted that after to-night the grievances under which Catholics had suffered in this respect would gradually disappear. But there were certain other points connected with the administration of the Poor Law which he would venture to submit to the right hon. Gentleman, and they were points which came under the item referred to by the hon. Member for Dun-
garvan (Mr. O'Donnell). As to the old people in the workhouses, they had a right, if they were over 60 years of age and married, to have separate quarters; but he was perfectly certain that there

was not a single workhouse in which the poor people were even acquainted with that right. He remembered when he, very rashly, as it was supposed, asked the poor people in a workhouse he was visiting if they knew of the existence of this right, the master and matron and one or two Guardians with him expostulated, and said this was a thing which ought to be kept from the knowledge of the poor people, because it would be such a terrible nuisance to have them in the married quarters. Then, as to the little children in the workhouses—children who were too young to be sent to school—their condition in some cases was most pitiable. He could take the right hon. Gentleman to a workhouse in London in which there were a considerable number—some 13 or 14—little children, too young to be sent to school, who never left the yard in which they were cooped up. The yard was not more than twice the size of the House Table, there was nothing to break the monotony of the children's lives, the toys which had been given to amuse them being carefully packed up and put away on the top of a cupboard. The children were not looked after as they should be, and the consequence was that they grew up delicate and unhealthy and utterly unfit to bear the rough life that was inevitably their lot. Then there was another thing that the Inspectors of these schools would do well to inquire into. There was a practice amongst bandmasters of regiments to go round to the different workhouse schools belonging to the Metropolitan district for the purpose of selecting therefrom for enlistment into the Army for their bands the most promising boys. Some of these boys were induced or allowed to join the band when they were very young—eight or nine or ten years of age—at a time when they had no idea what enlistment into the Army meant. They were taken into the band on condition that they would afterwards go into the Army, and this was done without any real opportunity being afforded to the relatives of the boys of expressing their wishes on the subject. The relatives—and on this matter he was speaking from experience—were not given to understand that the law required that they should have the power of going before the Boards of Guardians and expressing their desires and wishes as to the employments to

which the children should be put. The Inspectors of the Department, he thought, would do well to look into this matter. He wished now to refer for a moment to an observation which fell from the Prime Minister, in reply to an hon. Member sitting near him, when this Vote first came on. The Prime Minister had said that he proposed next year to bring on this Vote in a different shape. He had gathered from the right hon. Gentleman that it was his intention to recast it. He would point out to the right hon. Gentleman that it was desirable that it should be considerably modified. As would be apparent to everyone who had listened to the debate that evening, the Vote was of a very heterogeneous character. The discussion commenced with some observations about medical relief in Scotland, then it went off upon the analysis of water, then they heard about roads in Scotland, and so on. Each of these subjects was sufficiently important to occupy a separate Vote; and he would venture to suggest to the right hon. Gentleman in charge of the Vote that it would be desirable, if it could be done, to split it up into two or three different sub-Votes, in order that, in future, there might be something more like logical sequence and consistency in it. This would help to give hon. Members a clearer understanding of these matters, and, probably, to economize time.

MR. BIGGAR said, he should like to ask a question in regard to this Vote with reference to the payment of the analyst of water. He should like to ask to what extent analysts were employed by the Department? Personally, he thought it would be very desirable to extend the system of analyzing. Many articles besides water should be analyzed by some analyst who should be more or less responsible. The matter, he (Mr. Biggar) understood, was very much, if not entirely, in the hands of the local authorities at present; and he had reason to believe—in fact, he knew—that the local authorities neglected their duty in the most flagrant manner. He wished to know if it was not in the power of the Local Government Board to see that the local authorities employed analysts, and to see that the local authorities made the analysts do their duty, with the aid either of the police or the officers of health in certain districts?

Mr. Arthur O'Connor

MR. DODSON: We have no power either to employ analysts or to compel others to employ them.

MR. HEALY said, there was a certain amount put down for auditors' clerks. How was it that the auditors in England were allowed clerks, when—according to the Votes—none were allowed to auditors in Ireland? Everybody knew that the work auditors had to do was to tot up accounts and check them, and unless they performed the work for which they were appointed it was no use having them. If an auditor threw the work upon another person—upon his clerk—he was not an auditor at all, but the clerk was the auditor. The auditors who were appointed were, no doubt, very experienced men; but if they were unable to do the work, other auditors should be employed to assist them. Two clerks were put down at salaries of £30 a-year. Was it a fact that this small amount was paid to men whose duty it was to check thousands and thousands of pounds? If so, it was a most unsatisfactory state of things. He could speak from experience of the auditors in Ireland. They got through their work in a most conscientious manner, and spent days in checking the accounts of each particular Union. Did the English auditors do the same?

MR. DODSON: The reason the auditors are allowed clerks to assist them, or work under them, is that the work has, of late years, been very largely increased. The auditors had, originally, only to audit the Poor Law Accounts; but now they have the School Board, Highway and Local Board Accounts to go through. Instead of employing more auditors, it has been found cheaper—and, at the same time, to work well—to appoint these clerks.

MR. HEALY said, that surely the right hon. Gentleman did not mean to say that a clerk at £30 a-year should have imposed on him the responsibility of checking accounts amounting to hundreds of thousands of pounds? The thing was preposterous. An auditor who went into a town might be very tired, or unwell, and the whole duty might be thrown upon an unfortunate clerk. The result might be that the ratepayers were not protected; and to tell the Committee that it was better to have these clerks than proper, expen-

rienced auditors, was a statement to which he could not subscribe. If the auditors in England required clerks, so did the auditors in Ireland, owing to their duty in connection with the Poor Law having been merged into that in connection with the Local Government Board. They had the Town Clerks' Accounts as well as the Poor Law Accounts to audit. What he wanted was a satisfactory assurance that these clerks were not persons on whom a great share of the work of auditing was thrown—that they had not cast upon them the responsibility of asserting that the accounts of the Unions and Local Boards were correct.

MR. DODSON: The whole responsibility of the work rests upon the auditor. I have never heard of responsibility having been imposed upon the clerks.

MR. ARTHUR O'CONNOR said, that in the matter of workhouse administration there was another point to which he wished to draw attention—one which, he thought, the Inspectors would do well to take in hand—namely, the treatment in the workhouse of the insane and imbecile. The comments of the Inspectors on this subject, even in the past, had been repeated and emphatic. In their Reports 3 and 4 they said they had frequently found it necessary to order the removal of decidedly insane patients, who ought, in the first instance, to have had the benefit of the silent treatment. They said, also, that in some of the larger workhouses they frequently met with patients suffering from long-standing melancholia, when they had reason to believe that if they had been subjected to proper treatment at first it would have resulted in their being cured. It was to be regretted, they said, that false ideas of economy should be allowed to have weight, and that a course should be pursued which could not fail to be prejudicial to the patients, and ultimately lead to the increase of the number of insane dependent on the rates. It did seem to be a terrible thing to think—what, unquestionably, was the case—that there were in the workhouses of this country a number of cases which, if they had been only taken in hand properly, and removed to places where they could receive suitable treatment in time, would have been, at any rate, if not cured, at least greatly relieved, and brought back to such a state that they

could have been left in the hands of their relatives during the latter days of their lives. These people, being placed in the workhouses—which were, probably, the very worst places for persons mentally afflicted—were rendered hopelessly insane, and when they were taken to asylums it was found too late to do anything with them. The Inspectors said that it was customary to send to the asylums old, chronic cases, because they were troublesome, and that this often occurred where there were no special attendants for these cases in the workhouses. He would ask the Government to see that the Inspectors further inquired into this matter of the treatment of the insane. They would be astonished to find out how inadequate were the present arrangements. It was principally to country workhouses that objection was made. The Inspectors went on to say that, as to the management of workhouses, although the standard was higher than it was some years ago, yet, in many of the establishments, the treatment provided for imbecile paupers was open to grave objection. They found a want of supervision for epileptic cases, especially when the number of those cases was large.

Original Question put, and *agreed to*.

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £8,195, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Office of the Commissioners in Lunacy in England."

MR. ARTHUR O'CONNOR said, he wished to draw the attention of the Committee to one or two very simple facts in connection with this Vote, and the first was as to the population and the number of lunatics. In the year 1859, when the population was 19,500,000, the number of private lunatics was 4,900, and the number of pauper lunatics 31,000. In the year 1880, when the population had risen from 19,500,000 to 25,500,000, the private lunatics had risen from 4,900 to 7,600, and the paupers had increased from 31,000 to 63,000, so that where the population had increased 30 per cent and the private lunatics had increased considerably the number of pauper lunatics had more than doubled. That

was one fact which he wished to draw the attention of the Committee to. The other fact was this. He knew a case where a man, through reverses of fortune, distress, and poverty, was, for a time, out of his mind. He was treated as a pauper lunatic. He was a man of considerable intelligence, and well educated and quite able to take stock, from time to time, of his own condition, and to appreciate his own advance towards recovery, and also to appreciate the things he saw in the workhouse. This man, whilst he was there, found that the alleged pauper lunatics were remarkable for two things, and two things only—namely, they were incorrigibly idle, and they all had good appetites. When this man was within a week or two of his discharge, the inmates learnt that the Inspectors were coming round. Some 48 hours before the advent of the Inspectors, a number of patients, who, up to that time, had appeared remarkably well, evinced signs of unrest, which went on increasing as the hours advanced. The evening before the Inspectors came they would insist on dressing themselves up in feathers and cutting all sorts of antics. On the morning of the Inspectors' visit they all refused to eat their breakfast, and made use of every sign that their ingenuity could devise to induce every casual onlooker to believe that they were seriously affected mentally. The Inspectors came, the visit passed over, the feathers were dropped, and the appetites revived. The man had not spoken of all, but of a very large proportion of the cases. Well, this little story, he thought, would account, to a great extent, for the enormous increase in the number of pauper lunatics. There were a large number of people in the pauper lunatic asylum who ought not to be there, and who knew perfectly well that they ought not to be there; but the Government gave 4s. a-week for every pauper in the Asylums, and it answered the purposes of the Guardians to transfer people who were a little troublesome in the workhouses to those places. It would be well if the Government would carefully consider what steps should be taken to meet this action on the part of the Boards of Guardians. He must say he was not prepared to suggest any; but it was not his business to do so. But probably the Government might be able to find time

to bring about a thorough overhauling of the pauper lunatic asylums, and an investigation into the majority of doubtful cases—cases which were just sufficiently demonstrative to secure the keeping up of a staff which would not otherwise be required, and which gave that staff very little work to do. There was another question, as to the classification of lunatics in the workhouses; but that was a point on which he had already ventured to offer some remarks on a previous Vote, and he would not detain the Committee on it. However, there was one thing he had noticed on visiting more than one pauper lunatic asylum, and it must have struck everybody, no matter how casual their visit, and that was the utter want of occupation for the great majority of inmates. If there was one thing more than another calculated to help the restoration to a proper state of mind of a patient who had been suffering under mental aberration or melancholia, it was occupation. But the great majority of persons in pauper lunatic asylums were absolutely without anything but the merest show of occupation; and he was convinced that the life they led in these Asylums helped to confirm and render incurable any mental affliction from which they suffered. He was speaking only of the slighter cases. Then, as to the treatment of persons who were really fit subjects for treatment at the hands of medical men who dealt with cases of insanity. With respect to Colney Hatch Asylum, the District Visitors reported that the complaints of unnecessary detention were unusually numerous, and there were also very many complaints from both male and female patients that access to the medical staff was practically denied. Some of the patients knew the Chairman of the Visiting Committee by sight, and also the medical staff; but the patients were counted in wards periodically, but had no opportunity of making complaints. Then, again, the Visitors called attention to the method of keeping the case-book in this Asylum, which was certainly open to grave objections. The Act—16 & 17 *Vic.*—required that the case-book should be regularly laid before the Visitors for inspection; but the Visitors found that the entries as to the admission of patients were made on loose slips of paper, to be copied into the book when time would permit, perhaps after

the discharge or death of the patient. The Visitors reported that in regard to the case-book the Act was not complied with, and he would like to know what the Home Secretary thought of Directors who permitted such a system as that. But it was not so much a question of correct record in each case, or of the numbers of patients who were unable to make complaints, but as to the treatment of the patients.

THE CHAIRMAN: The hon. Member cannot discuss pauper lunatics generally under this Vote. The proper time will be on Vote 4, Class VI., where there is a special Vote for pauper lunatics.

MR. ARTHUR O'CONNOR said, he was showing why the Committee should not vote this money for the Lunacy Commissioners, who, he thought, had not done their duty, for if they had, the Visitors would not have had to report these shortcomings. They further reported that, being present in the women's dining-room during dinner, they were somewhat surprised at seeing many rats sporting about in the hall.

THE CHAIRMAN: That subject does not properly come under the Vote for the Lunacy Commissioners. The subject the hon. Member is referring to will properly come under Vote 4 of Class VI.

MR. ARTHUR O'CONNOR remarked that the first item in this Vote was the salary of the Lunacy Commissioners; and, with all deference to the Chair, he thought he was entitled to question the right of the Commissioners to have this £1,500.

THE CHAIRMAN: I have already informed the hon. Gentleman that the discussion as to particular asylums comes on on another Vote, and cannot be taken now.

MR. ARTHUR O'CONNOR said, he should not discuss particular asylums; but he was endeavouring to show why the Commissioners, for whom pay was here charged, ought not to have their pay voted without, at any rate, some explanation of their apparent shortcomings. That was his idea in bringing before the Committee what he believed to be blemishes in the work of the Commissioners. It seemed to him that the Commissioners ought to insist, for instance, on reasonable occupation being given to persons committed to their care. It was their business to see that the inmates of the asylums had every reason-

able facility at their disposal for the recovery of their proper mental condition; but that was not done. In one asylum he found that five men out of seven had reasonable and healthy occupation; in another, only one in four. In one asylum six in ten were healthily occupied; but in another, only a short way off, only one in three. But as he failed to convince the Chairman of the propriety of the grounds upon which he made these remarks, he would quit that subject altogether, and say a few words upon the personal duties of the Commissioners. There were two or three things upon which they would do well to furnish information in their next Report. It was impossible, on an examination of the tables and statements given, to arrive at any reliable conclusion as to the rate of mortality in the asylums, although that was a very important matter. The Metropolitan Asylums Board furnished complete details as to the rate of mortality in the asylums under their control, and he would suggest that the Home Secretary should require the Commissioners in Lunacy to furnish similar information. He thought he had shown very good ground for the conclusion that the Commissioners had not justified the remuneration charged in this Vote, and he should therefore move to reduce the amount by £500 each, or £3,000. But as half the year had elapsed, there remained only half the financial year, he would now move to reduce the salaries by £250 each, or £1,500 altogether.

Motion made, and Question proposed,

"That a sum, not exceeding £6,695, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Office of the Commissioners in Lunacy in England."—(*Mr. Arthur O'Connor.*)

SIR WILLIAM HARCOURT: The course taken by the hon. Member is a somewhat singular one. The Lunacy Commissioners have hitherto been trusted largely by the country, and, as far as I know, they have had general confidence. But now the hon. Member comes forward with a series of charges against them of which no Notice is given, and to which, therefore, it is difficult for anyone on their behalf to make any response. Every one of the matters

touched upon by the hon. Member is a subject which might occupy the attention of a Select Committee; and it seems to me that the view now taken of the manner of dealing with the Estimates is upon every Vote to enter upon matters with which it is impossible to deal in Committee of Supply. The hon. Member has challenged the whole treatment of the lunatics of England; but is it common sense or reasonable that such a matter should be gone into upon this Vote, when the matter is one which could not be dealt with except by hearing witnesses? This matter has been dealt with in a proper manner by a Committee of this House so lately as 1878. Within three years the whole of this matter has been investigated in the only possible way—by a Committee which went carefully into it day after day, and took evidence; and which, while suggesting that certain minor matters should be attended to, pronounced strongly in favour of the manner in which the Lunacy Laws had been administered. I venture to say that is the only complete answer to the charges made by the hon. Member. This House in Committee of Supply is wholly incapable of discussing this question. It has not the material, and it would be a waste of time to try to arrive at any conclusion. How are you to ascertain what is the cause of the increased number of lunatics? It is suggested that there are persons in these asylums who ought not to be there; but the Committee repudiated such a suggestion. It is also suggested that local authorities desire to fill the asylums with people who ought not to be there; but their object is to decrease the number of inmates. With regard to the Visitors having seen rats at Colney Hatch, I have read that in the houses of some of us—who are not lunatics, nor Lunatic Commissioners—there are rats; and that is hardly to be the foundation of a charge that these Commissioners are not competent for their duties. The hon. Member proposes to diminish the Vote which has for many years been given for these men, who have rendered public service; but to do that without any foundation for the charges made against them seems to me most unreasonable, and I must protest against the raising of questions, of which I do not dispute the importance, but with which it is utterly

impossible for the Committee of Supply to deal. If the hon. Member is dissatisfied, let him ask for a Select Committee; and if it appeared that since the last Committee sat any material circumstances had arisen to lead to the conclusion that the lunatics had not been properly treated, I would do anything I could to assist him. But it is unreasonable on the 2nd of August to raise a question with which this House cannot deal in Committee of Supply.

MR. RYLANDS said, he rose immediately after the right hon. Gentleman the Home Secretary, because he wished to say that he was not surprised the right hon. Gentleman should have expressed the opinion he had done as to the irrelevant nature of the criticisms upon the Vote to which they had just been listening. As an independent Member, acting with other independent Members, he felt very strongly indeed that the action of the Committee of Supply was, to a great extent, nullified by the course taken by the hon. Member for Queen's County (Mr. Arthur O'Connor). He (Mr. Rylands) would certainly not assist in delaying the Vote further.

MR. J. COWEN said, he thought it was only fair in extenuation of the course pursued by the hon. Member opposite (Mr. Arthur O'Connor) to say that hon. Members were placed at great disadvantage in criticizing the Estimates, owing to the inconvenient time and manner in which they were brought forward. At the same time, he thought there was much force in what had been said by the Home Secretary, and he was of opinion that the accusations made against the Inspectors of Lunatic Asylums were not at all borne out by the facts. Still, the subject was one well worthy of consideration.

Question put, and *negatived*.

Original Question put, and *agreed to*.

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £22,640, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Mint, including the Expenses of the Coinage."

MR. RYLANDS said, he rose for the purpose of calling attention to an item

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to which he had directed attention last year—namely, the Charge proposed for supplying silver to the Colonies. The Charge was for package, freight, and carriage of silver for the Colonies. While he did not object, in any way, to the practice of providing coinage for the Colonies, he did object to any charge being made under a Treasury Warrant, which had the effect of imposing the cost of providing the coinage upon the Exchequer of this country. The Treasury, under a Warrant dated June 14, 1871, declared that all the expenses should be paid by the Colonies; but that arrangement was altered in 1878, and since that year there had been a Vote for the freight and package of bronze and silver coin. He wished to point out to the Committee that there was no justification for giving that advantage to the Colonies, because we were allowing a very large amount of coin to be held by the Melbourne and Sydney Mints. He believed that the amount in 1879 reached £187,000, and, in addition, this country took back worn coin to a very large amount. He found that in 1880 the amount of worn silver coin received from the Sydney and Melbourne Mints reached no less than £87,614, and upon it there was a loss of from 12 to 14 per cent. So that in addition to this heavy loss upon worn silver, they were paying all the expenses of freight and packing. And while they were giving these advantages to the Colonies, advantages which, he thought, they had no right to receive, it appeared from last year's balance sheet, that there had been no less than £7,600 loss upon the transactions of the Mint during the last year. He would move the reduction of the Vote by the sum of £2,000, which was the cost of packing and freight, for the supply of silver and bronze coin to the Colonies.

Motion made, and Question proposed,

"That a sum, not exceeding £20,640, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Mint, including the Expenses of Coinage."—(*Mr. Rylands.*)

LORD FREDERICK CAVENDISH said, the charge for the freight of silver against the Colonies was only made in the case of Imperial coin sent there. In the case of Colonial coin taken by the Mint, the freight was included in the

charge; but it must be borne in mind that there was a considerable profit realized from the Imperial silver coin sent to the Colonies. It was true that they had, by the arrangements now in force, undertaken to recall their old and damaged coin, and pay all expenses; but under ordinary circumstances, even when silver was at its normal value, there was a substantial profit upon the coinage. He did not think that they could insist upon the Colony using our silver coinage and, at the same time, charge them with the expense of exporting it. Silver was now very much cheaper than it used to be, and the profit accordingly was much larger.

MR. RYLANDS said, that what the noble Lord was stating was entirely contradicted by the balance sheet of the Mint. If he would look at the Report of the Mint, the noble Lord would find that there was an absolute balance of loss, without any charge upon the fixed amount of capital employed, of £7,658 upon the year.

LORD FREDERICK CAVENDISH said, that that loss was incurred in connection with the gold coinage, in regard to which no charge was made. It was somewhat curious, but it was nevertheless the fact, that the amount of coin called in bore inversely to the prosperity of the country. At times of prosperity, there was a greater demand for coin, and it was not paid into the Bank, and did not go to the Mint to be re-coined. The charge for re-coining old silver was heaviest at a time when there was not so much coin required for the use of the country. The result was, that in the year 1872, when the country was at the height of its prosperity, the profit to the Mint was £98,000; and at that time the Mint was sending out large quantities of new silver upon which it obtained a profit, while, at the same time, there was a very small amount of old silver paid in. The profit continued for two or three years, and it was not until 1876 that it became materially reduced. In 1877 the profit was only £22,000, and last year £12,858. But in the silver coinage sent out to the Colonies there was still a profit, and a substantial one. He did not think that they should insist upon the Colonies using our silver coinage, and then place them at the disadvantage of making them pay for the carriage of it.

MR. HEALY complained that the Vote included a sum of £5 for an Easter offering to the Vicar of St. Botolph's Without, Aldgate, and another to the Sexton of the Tower. He wished to know what these charges meant?

LORD FREDERICK CAVENDISH said, the Mint was an old establishment, and these were old charges which had always been paid by the Mint.

Question put, and *negatived*.

Original Question again proposed.

MR. ARTHUR O'CONNOR said, he was sorry that he did not see in his place the President of the Board of Trade, because he would have suggested to the right hon. Gentleman that he should move again what he had once moved before, and what he (Mr. O'Connor), in the absence of the right hon. Gentleman, would venture to move now—namely, the reduction of the Vote by the sum of £2,000, being the amount charged for freight and packing the supplies of silver and bronze coin to the Colonies.

MR. RYLANDS said, he had already moved the Amendment, and it had been *negatived*.

MR. ARTHUR O'CONNOR said, he had not understood the hon. Member for Burnley to move the omission of this particular item.

MR. HEALY said, he should certainly feel inclined, unless the noble Lord the Financial Secretary to the Treasury informed the Committee that he would look into the items he had called attention to and give an explanation of them next year, to move the omission of the sum charged for an Easter offering to the Vicar of St. Botolph. They might as well be asked to vote an Easter offering to the Archbishop of Canterbury or Cardinal Manning.

LORD FREDERICK CAVENDISH said, he would give an explanation of that item upon the Report.

MR. ARTHUR O'CONNOR said, he did not understand the course taken by Her Majesty's Government. Only the other night they voted in favour of a proposal which they had strenuously opposed when in Opposition; and now there was another instance of a similar character. The President of the Board of Trade in former years had taken exception to this very item, and the hon. Member for Burnley (Mr. Rylands),

having put down a Motion for the reduction of the Vote, certainly had moved it, but immediately afterwards withdrew it.

MR. RYLANDS: That is altogether a false statement.

THE CHAIRMAN said, he hoped the hon. Member would withdraw the expression which he had used, and which was quite irregular.

MR. RYLANDS: I will withdraw it at once, and substitute "inaccurate statement." I did not withdraw the Motion for a reduction of the Vote, and if the hon. Member had been in his place at the time, he might have voted for it.

MR. ARTHUR O'CONNOR objected to the tone which the hon. Member for Burnley (Mr. Rylands) chose to adopt, and which was hardly Parliamentary. It was quite certain that the hon. Member was disinclined now to do that which he and those who acted with him always did when in Opposition—namely, carry their Motion to a division. It was a perfect farce to allow a charge of this kind to be passed quietly over when the Liberals were in power, and to be vehemently opposed when they happened to be out of Office. He would, therefore, move the reduction of the Vote by the sum of £1,000.

THE CHAIRMAN: For what purpose does the hon. Member propose to reduce the Vote by £1,000?

MR. ARTHUR O'CONNOR: For the expense of freight and packing.

THE CHAIRMAN: That has been done already, and cannot be repeated.

MR. ARTHUR O'CONNOR said, he did not repeat the Amendment which had been moved by the hon. Member for Burnley, but he asked for a smaller reduction than that which had already been proposed and *negatived*. He thought he was fully in Order in making that proposition.

THE CHAIRMAN: The hon. Gentleman is not in Order in moving the reduction of the Vote upon an item which has already been disposed of.

MR. ARTHUR O'CONNOR said, he wanted clearly to understand that ruling. A Motion having been made for the reduction of the Vote by a certain sum, and that Motion having been *negatived*, was it not competent for him to move the reduction of the Vote by a smaller sum?

THE CHAIRMAN: I decline to be questioned by the hon. Member as to my ruling. I have ruled on this occasion that a Motion having been made on this particular subject, and having been negatived, the Motion just proposed by the hon. Member for Queen's County cannot be moved.

Mr. ARTHUR O'CONNOR said, he merely asked for information. [*Cries of "Order!"*]

Original Question put, and *agreed to*.

(4.) £10,142, to complete the sum for the National Debt Office.

Mr. ARTHUR O'CONNOR said, he wished to ask the noble Lord the Financial Secretary to the Treasury a question with regard to this Vote. It contained an item for the Pensions Commutation Board. He wished to know whether all the expenses connected with the Commutation Board were stated on page 123, or whether there were any other expenses connected with the Board? He would also be glad to elicit from the hon. Member for Burnley (Mr. Rylands) whether he intended to proceed with the Notice he had given to move the reduction of the Vote by the sum of £1,000?

LORD FREDERICK CAVENDISH stated that all the expenses connected with the Commutation Board were included in the Vote.

Vote agreed to.

(5.) £17,438, to complete the sum for the Patent Office.

Mr. HINDE PALMER said, he had on several occasions when this Vote had been before the Committee called attention to the present state of the Patent Museum at South Kensington. At present the condition of that Museum was disgraceful, and the arrangements and dimensions of the Museum for containing the collection of Patents for objects which had made the country eminent, was altogether unworthy of the Nation. The condition of the Patent Museum had become a bye-word to every foreigner who visited this country. There was scarcely any arrangement for enabling visitors to inspect the Museum and see the models contained in it. The Museum should be of a most instructive character, for the purpose of inculcating technical education; but Reports had been made year after year

condemning the arrangements. He held in his hands a Report presented 10 years ago, and almost every year since a similar Report had been made by the Patent Office Commissioners. The Report 10 years ago was to this effect, that it was intended to make the Patent Office Museum an historical and educational institution for the benefit and instruction of skilled workmen employed in the manufacturing of the country—a class who largely contributed to the surplus funds of the Patent Office. The Report went on to say that the Commissioners were in the possession of a large number of valuable models which were retained in packing cases for the reason that no room could be found for them in the Museum at South Kensington. This statement had been repeated year after year, and, notwithstanding, the Museum still remained in its present disgraceful position. He had on former occasions, and in former Parliaments, obtained from the Chief Commissioner of Works a promise that this Museum should be really made an efficient one. But from that time to this nothing had been done to improve the condition of the Museum, and it was made a bye-word and a reproach by every foreign visitor to the country. In America the Patent Museum was one of the best institutions of the country, and one of which America was naturally proud. And in Paris there was a most beautiful Museum of Patent Inventions—the *Musée des Arts et Métiers*—where all the inventions were arranged in a manner that enabled every visitor to see at once whether any invention he was contemplating had been anticipated, and he was thus saved the unnecessary expense of taking out a patent, which was very important and material to him. Both in America and in Paris the Patent Museums were kept up in a manner which did credit to those countries. The difficulty in this country, he was told, was this, that there were not sufficient funds to enable the Government to proceed to the construction of a Patent Museum. That, however, could hardly be correct, and to show that there was no foundation for such a statement he would call attention to the amount of the fees paid upon Patents. There was a surplus fund derivable from fees paid for Patents for inventions every year of nearly £150,000. That, as they all knew, was carried to the Consoli-

dated Fund, and the surplus fees paid in this way had accumulated year after year until they now amounted to nearly £2,000,000. Therefore, he did not see why they should be told that an Institution in which, as the Report of the Commissioners of Patents informed them, the working men of the country were so greatly interested, on the ground of the encouragement it would afford to inventions—that such an Institution could not be provided because there were no funds that could be utilized in constructing it. He would not take up the time of the Committee further than by saying this, as he now saw the President of the Board of Trade in his place, and as he knew the right hon. Gentleman took great interest in the question of Patents for inventions, he hoped to hear from the right hon. Gentleman that he was fully impressed with the necessity of not allowing the question to remain in abeyance year after year, but that something would at once be done to put the Museum upon a proper footing. He might add that, in the Report he had quoted, a very eligible site was recommended by the Commission—namely, the site of Fife House, at the back of the present Board of Trade Offices, in Whitehall Gardens. He believed that this site was very much in the same condition that it was a year ago when this Report was made, and he should have been glad to have put a question to the Chief Commissioner of Works upon the subject, if the right hon. Gentleman had been in his place. He agreed with the Patent Commissioners that the site of Fife House might be rendered available; but under no circumstances should the Patent Museum be allowed to remain in the condition in which it now was any longer. Seeing the large amount of the funds contributed for the Patent Office from the fees paid by inventors, it was, he thought, the duty of the Government to provide, as in the case of America and France, an Institution which should not only be useful, but should reflect credit upon the country.

SIR HENRY HOLLAND said, that before the President of the Board of Trade answered the question put to him, he hoped the right hon. Gentleman would be able to give an assurance that the whole question of the Patent Office would be considered during the Recess. He knew that a debate had

already taken place upon the Bill introduced by the hon. Member for Glasgow (Mr. Anderson), and he was sorry the hon. Member was unable to press forward that Bill to its final stage. It had been impossible for any private Member to obtain this Session the necessary opportunities for pressing forward a measure of that kind; but the debate which had already taken place must have shown the President of the Board of Trade how much importance was attached to the question, and the great amount of interest that was felt in it in the country. He hoped the right hon. Gentleman would be able to give the Committee an assurance that the whole question would receive careful consideration during the Recess.

MR. WARTON said, he had nothing to state in reference to the Patent Office; but he wished to call attention to the peculiar way in which the accounts included in the present Vote were made out. He thought that, considering the very great importance of knowing what the salaries, wages, and allowances were, they should have some further information than was contained in a total lump sum. He thought it would be better to give the items connected with each respective department. There were three departments included in this Vote—the Patent Museum, the Designs Registry, and the Trade Mark Registry, all of them important departments. He had no desire to carp at the expenditure, or to criticize it at all; but it would seem that there had been a very considerable increase in the amount of charge. He wanted to know whether there had been an increase or not, and it had taken a long time to find where the increase was; ultimately, it turned out that it was in the cost of the special Indexing staff. There had been a total increase of about £2,600, and out of that sum no less than £1,760 was due to this one item. But in consequence of the way in which the accounts were tabulated there was nothing to catch the eye in any particular item. He thought that all important branches of expenditure should be distinctly stated and added up; and he would suggest that, in future, this account should be broken up into the expenditure of the various departments, and that proper totals should be given.

MR. ARTHUR O'CONNOR said, it seemed to him a very great pity that all the expenditure in connection with the Patent Office should go to one central establishment in London. When they considered the difficulties which had to be surmounted in introducing any practical improvements in Patent machinery, it was quite plain that no mere casual observer in visiting the South Kensington Museum would be likely to gather ideas that would be useful to him in the development and improvement of any existing machinery or appliances that were used for superseding labour and simplifying mechanical power. Such appliances required a considerable amount of technical knowledge in order to enable a man to understand them and to appreciate the machinery, which was now turned to so many useful purposes. There were dotted over the face of England—he was sorry he could not say the same of Ireland—a number of centres of industry which made use in their peculiar occupations of different kinds of appliances. It therefore seemed to him that it would be a public benefit if the Institution at South Kensington were either duplicated or broken up. If it could be duplicated, one model might be kept at head-quarters, and another kept at those different centres of industry which possessed a technical school, to render such appliances of general advantage. For instance, the machinery used in the cotton trade might be sent to Manchester; at Sheffield there might be a Museum giving models of appliances connected with the trade in steel; and so on throughout the country. He believed that at Portsmouth there already existed a School of Naval Architecture, or something of that kind, which was of great use to those who were learning that branch of industry. He should like to obtain from the Government some expression of their views as to the establishment of local Museums of a special character in connection with the principal industries in England, and whether they proposed to continue the Patent Museum at South Kensington as the only place where the Patents of the country could be inspected. Certainly, in its present position it was almost wholly useless, and those who were interested in Patents for inventions seldom had access to it. There was one other point upon which

he wished to ask a question—namely, in regard to the police. He was glad to see that the President of the Board of Trade was now in his place. The right hon. Gentleman would recollect that there was a time when he had questioned the late Government as to whether the police employed at the South Kensington Museum also received police pay, together with the allowance they drew from the Patent Office. The right hon. Gentleman would recollect that, on a former occasion, he opposed the Vote; and he would ask the right hon. Gentleman if he would go with him into the Lobby against it on the present occasion?

MR. CHAMBERLAIN said, he did not think that the hon. Member for Queen's County had properly represented the course he (Mr. Chamberlain) had taken on the occasion referred to. [MR. ARTHUR O'CONNOR said it was reported in *Hansard*.] He thought not, as the hon. Member had represented the matter. He had certainly misunderstood the question which he (Mr. Chamberlain) had raised. What he was anxious to ascertain was whether the police, while being paid out of the National funds, were simply performing Metropolitan duties. He was answered at the time that the services paid for in the Vote were services wholly performed in connection with the National Museum, and as such were properly chargeable upon the Estimates. The hon. and learned Member for Bridport (Mr. Warton) had raised a question which was worth considering, and the noble Lord the Secretary to the Treasury would endeavour in the future preparation of the Estimates to give the total amount under different heads, as the hon. and learned Member suggested. The hon. and learned Member was perfectly correct in saying that the main increase in the Vote was owing to the addition made in the Indexing staff. On former occasions great importance had been attached to the rapid preparation of Indexes, and, at the suggestion of the Master of the Rolls, the work was being rapidly proceeded with. That, he thought, would account for the increase in the present year. In answer to his hon. Friend the Member for Midhurst (Sir Henry Holland), he might say that the whole question of the Patent Law would undoubtedly receive the careful

consideration of the Government during the Recess, and he hoped that it would be his duty next Session to bring in a Bill dealing with the subject in the spirit of the remarks which he had made on a recent occasion. He now came to the important question raised by the hon. Member for Lincoln (Mr. Hinde Palmer)—namely, the question of Patent Museums. There was no doubt that the Museum at South Kensington was not altogether in a satisfactory condition. It was so small that the inventions at present sent there could not be properly exhibited, and there was no room for any further extension. He did not think, however, that the reason why better provision had not been made was that which his hon. and learned Friend had supposed. At all events, he (Mr. Chamberlain) did not pretend to say that it was to be excused on the ground of lack of funds, although he might say that the question of funds was one of very considerable importance. He had no doubt that if they were to establish a Museum on an efficient scale, so as to give anything like a complete representation of English inventions, it would involve the expenditure of a very large sum indeed, probably something like £500,000. It was no answer to say that the money could be provided out of the fees paid upon patents. Of course, that was one source of income; but it went to the reduction of taxation generally. If the fees paid to the Patent Office were devoted for the building of a Museum, it would be necessary to increase taxation in some other direction. He (Mr. Chamberlain) was personally much interested in the matter, and he spoke with some practical experience, both of patents and inventions. At the same time, he must confess that if he had a sum of £500,000 to deal with, he would be able to use it with greater advantage generally than in the establishment of a Patent Museum. The Committee must consider, in the first place, what the object of the Patent Museum was to be. Was it to be merely a Museum of archaeological and historical curiosities? He did not depreciate the importance of such a collection; but they had the nucleus of one in the present Museum. For instance, it contained an illustration of the invention of the steam-engine; and specimens were given from the time of the "Rocket"

down to the present time. No doubt such a Museum was amusing, and, to a certain extent, highly instructive; but he did not think that such a Museum would justify the enormous expenditure to which he had referred, nor did he think that that was in the mind of his hon. and learned Friend, because his hon. and learned Friend said something about the advantage the Museum would be to inventors. It would be of no advantage to see such inventions as the "Rocket" steam-engine, which had been long superseded by other inventions. In order that an inventor should derive real advantage, he must have every important step in every important invention fully represented, and that, he believed, would be found to be a difficulty of first-class magnitude. His hon. and learned Friend spoke as if the problem had been settled in the United States. He could assure his hon. and learned Friend that that was not the case. A few years ago, when a great part of the Patent Museum of Washington was burned down, and a large collection of inventions was burned with the building, there was a general sense of relief and satisfaction, because the collection had already outgrown any possibility of useful reference. It had been laid down previously in America that a model of every invention should be deposited; and, consequently, the Museum was, theoretically, at all events, a Museum which contained every invention upon every subject. But he had seen a Report from the curator of a Museum in Washington to the effect that if the rate of increase continued there was no building in the United States, and no town in the United States, in point of fact, whose area would be sufficient to contain the models deposited. It was found, therefore, that if a Museum was to be of any value at all there must be a careful selection; and, latterly, in the United States the authorities had attempted to make such a selection. He was told only the other day by a gentleman who had recently returned from the United States, that the collection there was so large that there was no possibility of adequate exhibition, and if anyone wanted to see a particular model, it had to be hunted up by communication with the Curators at a considerable loss of time, because the person who desired to see it found it im-

Mr. Chamberlain

possible to discover it for himself, owing to the want of room now existing for exhibition. He did not say that that difficulty was absolutely insurmountable; but it showed the necessity of confining themselves to a satisfactory and useful selection. But then arose the difficulty—who could tell what were useful inventions and what were not? Who could tell which of the present inventions would be most useful in assisting further inventions? Yet this was what they wanted in a Patent Museum—namely, that an inventor should be able to go there and gather useful hints and suggestions. It was absolutely impossible for the best expert to decide beforehand what invention should come under the head of the best inventions. He was not now discussing the question thoroughly, but he was only dealing with such points as had been suggested by the remarks of his hon. and learned Friend. He placed these observations before the Committee in order to show the difficulties which surrounded the question. At the same time, he would assure his hon. and learned Friend that during the Recess, when the other questions connected with the Patent Office were considered, the question of a public Patent Museum and a public selection of useful inventions would also receive careful consideration.

Mr. DILLWYN said, he was glad to have heard the remarks of his right hon. Friend. He agreed with every word his right hon. Friend had said. He thought it would be absurd to provide an Institution that should contain all the inventions of the country. It was a kind of myth which was never likely to be fulfilled. All that was necessary for any useful purpose was to give a good collection of drawings and specifications. They would be far more useful to inventors than any Museum of the kind suggested. His right hon. Friend said the probable expense of a Patent Museum would be £500,000. Now, he (Mr. Dillwyn) did not believe they would get a site for such a sum, and the total cost would be infinitely more. The expense of an adequate site would be enormous. They all knew what the cost of land in London was, and he was convinced that the mere purchase of the site for such a purpose would cover the whole sum mentioned by his right hon.

Friend. He had been very glad to hear the remarks made by his right hon. Friend, and he hoped they would tend to dissipate the expectations entertained by some persons, that the Government contemplated entering upon this gigantic and useless expenditure.

Mr. E. COLLINS said, he did not think that the remarks of his hon. and learned Friend the Member for Lincoln (Mr. Hinde Palmer) had been altogether fairly treated. His hon. and learned Friend had directed attention specially to the Museum at South Kensington, and the tendency of his remarks was to show that that Museum was by no means sufficient for the requirements of the country. His hon. and learned Friend had not attempted to shadow forth the extensive scheme alluded to by the President of the Board of Trade and the hon. Member for Swansea (Mr. Dillwyn). The views of the hon. and learned Member for Lincoln were moderate, and his hon. and learned Friend only wished to direct the attention of the Government to the insufficiency of the existing Museum, with the view of endeavouring to induce them to give the subject more consideration than it had yet received. His hon. and learned Friend had pointed out to the Committee that the sum derived from Patent Fees now amounted to £150,000 a-year. The exact sum was £144,000. That was a very large sum; and when it was borne in mind that the accumulation of the surplus fees amounted to £2,000,000, it might naturally be thought that a revenue so large and constantly accumulating would be sufficient to make provision for the proper collection and exhibition of models.

Mr. ORAIG said, he had no doubt that an exhibition of drawings and specifications would be useful, but they would not supersede the exhibition of models. A Model Museum must be of great utility. Let the Committee consider for a moment what the effect would have been upon a mind such as that of George Stephenson, if he could have been brought in contact with a Model Museum. The exhibition of models enabled a man with an inventive genius to mature his own inventions, and thus confer great benefit upon the general public, and every man who was acquainted with the subject must at once see that it was most desirable to have a better building than that which now

existed at South Kensington. If the arrangements were more complete many persons would come up from the country for the purpose of visiting the Museum—persons who were accustomed in their daily occupation to see machinery at work, and persons whose ideas would be sharpened by an inspection of the inventions of others. He thought it was incumbent upon the Government of the country, which depended so much upon manufacturing and mining industries, to improve, as far as possible, the tools with which the people worked, so that in the end they might cheapen the cost of production. The right hon. Gentleman the President of the Board of Trade had referred to the Patent Museum in America. There was no doubt that that was a very clumsy and heterogeneous collection, which there was no necessity for imitating. What he would advise was that the classifications pursued in the present building should be continued, but that the evils into which the Americans had fallen should be avoided, and we should soon possess a collection of models worthy of the greatest manufacturing country in the world. At the same time, while keeping up the intelligence of our inventors, and assisting the commercial well-being of the country, such a Museum would afford the greatest assistance to inventors in seeing whether the invention that was engaging their attention was already in existence or not. He believed that the idea of establishing a Patent Museum would be most popular, and that if it were carried out it would in many respects be a most instructive Institution for giving expression to the inventive genius of the country. He trusted, therefore, that the question would receive the attention which the right hon. Gentleman the President of the Board of Trade had promised to devote to it.

MR. ARTHUR O'CONNOR said, the right hon. Gentleman the President of the Board of Trade was probably right as to the effect of his previous speech. The question then asked by the right hon. Gentleman was whether the police who were paid out of the Vote performed duties exclusively for the Museum, and were paid for the duties so performed, or whether they received their police pay in addition? That was a question which he (Mr. O'Connor) would like to have answered. The right hon. Gentle-

man seemed to be satisfied upon the point now; and he hoped, therefore, that the right hon. Gentleman would inform the Committee whether the policemen on duty at South Kensington were paid as members of the Police Force over and above the money they drew from the Vote.

MR. CHAMBERLAIN said, he spoke from recollection. The hon. Member seemed to be speaking from a book; but he (Mr. Chamberlain) was quite certain that his recollection was accurate. He had been anxious to know whether the policemen who were paid out of the National funds were doing Metropolitan work, in which case he thought they ought to be paid out of the Metropolitan funds, and not out of the National Exchequer. He was answered at the time, and he believed that it was the fact that they were doing National work. Therefore, he had no objection to the Vote.

MR. ARTHUR O'CONNOR asked if they also received pay as policemen?

LORD FREDERICK CAVENDISH: They are amply paid by the Treasury, and they receive no pay from the Police.

Vote agreed to.

(6.) £14,277, to complete the sum for the Paymaster General's Office.

MR. S. LEIGHTON said, he had a Resolution on the Paper in regard to this Vote, which he regretted to have to bring forward as it might have the appearance of wasting the time of the Committee. This, however, was not his fault, but was the fault of the noble Lord the Financial Secretary to the Treasury; and when he stated the precise position of the matter he believed that the Committee would see that there was a good deal to be said upon it. The Vote about to be taken was for the Paymaster General's Office. The Paymaster General was the banker to the Suitors in Chancery, and as their banker he had something like a sum of £60,000,000 in his possession. A portion of that money consisted of unclaimed funds, or dormant funds. Several Acts had been passed directing that proper particulars should be given to Suitors in respect of this unclaimed money, in order that they might claim their own. These Acts of Parliament had been violated, and on account of the violation of them, he intended to move the reduction of the

Vote by the sum of £500. One Act of Parliament directed that every information should be given to the Suitors in regard to this unclaimed money, and that every three years there should be a list of names published. Now, in the first place, a list had not been published every three years. A list ought to have been published in 1876, 1879, and another would be due in 1882; but, as a matter of fact, only one had been published in 1877, and another a few months ago. In the next place, the Act of Parliament laid down that the list should be alphabetical, and it was not alphabetical. He would take, for instance, the letter "A," and he found an entry to this effect—

"Ex parte Commission for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland. The account of Mansfield, Harper, &c., infants."

It was impossible for Suitors to find out their claims under such conditions. It might naturally be supposed that the fault was with the Paymaster General and with his officials; but the fault did not rest with him. It rested with the noble Lord the Financial Secretary to the Treasury and the Commissioners of the Treasury. He found that the Paymaster General had written a letter to the Treasury upon the subject only last year, in which he said—

"I regret that the representations I have repeatedly addressed to the Lords Commissioners of Her Majesty's Treasury upon the incompleteness of the audit, and the inadequacy of my staff even for the work now undertaken, and constantly falling more and more into arrear, have not received any response, and I have accordingly addressed a further letter to the Commissioners."

But there was another letter even stronger—

"I will not be held responsible for the possible consequences which may result from the insufficient supervision of pecuniary transactions of such magnitude unless I have further help."

Last year the noble Lord the Financial Secretary to the Treasury said he would give additional clerks; but he now proposed actually to reduce the Vote by £400. The noble Lord had said on one occasion that if he (Mr. S. Leighton) would show him reasons for the publication of clearer lists, he would accede to his proposal. He thought it was very hard that the noble Lord should

require a reason for doing what common honesty would suggest. He might almost tell the Government to remember the Commandment—"Thou shalt not steal." He would point out that the other Public Offices, when they had money belonging to the public in their hands, had always given the information for which he asked. The India Office, the War Office, the Courts of Law, all published details of money in their possession, which belonged to others.

THE CHAIRMAN: I trusted to the hon. Member being correct in stating that the Vote he refers to came under the head of the Paymaster General; but I find that the Vote comes under the Chancery Pay Office, Class III, Vote 4; therefore, the hon. Member is clearly out of Order.

MR. S. LEIGHTON said, if the Chairman had made that observation earlier he would have been saved some trouble. He would renew his Motion at the proper time.

Vote agreed to.

(7.) £6,243, to complete the sum for the Public Works Loan Commission.

MR. ARTHUR O'CONNOR said, on this Vote he wished to call attention to the West India Islands Relief Commission. He was under the impression that that Commission did not exist, and the noble Lord the Financial Secretary to the Treasury would be able to tell him whether his impression was correct or not. He (Mr. Arthur O'Connor) believed that the Commission was put an end to before the commencement of the period for which this Vote was taken; therefore, it seemed to him to be asking for a Vote which did not exist, and which had not existed during the proper financial period. This Relief Commission was to the West India Islands very much what the Public Works Loan Commission was to the United Kingdom, and its history it would be very useful to remember when they came to consider the value of the Public Works Loan Commission in this country. There was always this great danger, of the money advanced by the Loan Commissioners not being very well looked after—that was to say, the appropriation of it. He found in the Report of the Public Accounts Commissioner on this Vote questions and answers to the following effect. It was asked whether it was intended

that the necessary statements should be furnished with reference to the West India Islands Relief Commission Account? And the reply was—

“Certainly; and it might be mentioned to the Committee that the work that the country had undertaken as to these loans involved a very considerable amount of labour. The accounts of the loans in arrear had not been examined for a long period, and to clear up doubtful cases extending over many years would entail a large amount of correspondence and trouble. Two Acts had been passed which had cleared off considerable items of these arrears; but, of course, the Treasury had felt bound in no case to suggest a remission or composition of the loan until they were thoroughly satisfied that there was no possible means of recovering the amount due. The Treasury had now the West India Islands Relief Commission under their consideration, and had been in communication with the Commissioners on the subject of their loans. The Treasury had been instructed to offer certain terms to certain creditors, and had further given instructions that proceedings should be taken against them where the debts were not cleared up. The difficulty which arose as to these loans was that they were advanced, in most instances, to individuals. As soon as each of the branches of the Commission had finished its labours, the consent of Parliament would be asked to such remissions of loans as might be considered necessary.”

That was the effect of the answer given before the Public Accounts Commissioner. As he had said, the West India Islands Relief Commission had ceased to exist; but the Public Works Loan Commission still continued, and the way it did its work was very much the same as the way in which the West India Islands Relief Commission had done theirs. The Board was simply a lending Board, and the duty of looking after the appropriation of the money fell upon the Local Government Board, which body had only a limited power of following the expenditure. An Act was passed two years ago enabling them to do what ought to have been done from the beginning, and the consequence of the delay had been that a large amount of money had been mis-spent, and a great deal lost beyond recovery, especially in connection with the different harbours of the country. He would not go into details with regard to the harbours, which were referred to at length in the Report of the Loans Board for 1879-80. Reference was there made to harbours both in Ireland and in England. In the case of one harbour in Wexford, the whole amount of money voted had never been issued to the Harbour Commissioners; yet, in the Report of the Public Loans

Board, he found the harbour people put down as debtors for a certain amount of money. It struck him as a strange thing, if these Commissioners were to receive a certain amount of money on account of harbour works, that they should be put down as being in arrear with their repayment of principal and interest when the total amount of principal had not yet been advanced. Perhaps the noble Lord would give him some explanation upon this point? Another thing he wished to ask was what was proposed to be done with reference to the loans to Harwich Harbour—whether the Government proposed to bring in a Bill to wipe off the loans, as loans in the case of the West India Islands Relief Commission had been cleared away?

LORD FREDERICK CAVENDISH said, with regard to the last question, it would more properly rise on Class I. in connection with the Harbour Votes. The Treasury hoped to receive back a portion of their money, and, therefore, they did not expect to have to wipe off the debt. As to the other harbour referred to by the hon. Member, the transaction occurred before his (Lord Frederick Cavendish's) time at the Treasury. It had never been brought before him; but if the hon. Member desired it he would make inquiries and give him an answer upon Report. With regard to the Report of the Controller and Auditor General with reference to the audit of these accounts, he was happy to be able to inform the hon. Member that the audit was now more complete and fuller than it used to be, and they might expect satisfactory results from the alteration. With regard to the West India Islands Relief Commission, the Treasury had deemed it advisable, in the public interest, to bring it to a termination some time ago.

Vote agreed to.

(8.) £11,567, to complete the sum for the Record Office.

MR. J. COWEN said, he did not wish to delay the Committee by any lengthened observations; but he wished to call the noble Lord's attention to the question of the publication of the documents issued by this Office, which documents were of great value. He desired to ask if some better facilities could not be given to the public for obtaining possession of the very valuable books which were issued here from time to time?

Mr. Arthur O'Connor

SIR R. ASSHETON CROSS: I am afraid the Financial Secretary will think this matter is a hobby of mine, because I have so often brought it before the House. Hitherto I have been satisfied with the answer he has been able to give me with regard to the course he has taken; but I cannot too strongly press upon the Government, now they have accumulated this great mass of public information in the Record Office, that every precaution should be taken to preserve the documents from fire. One point I am particularly anxious to put before the noble Lord on this question, and it is this, that I am afraid the relations between the Record Office and the gentleman who has control over the Metropolitan Fire Brigade under the superintendence of the Metropolitan Board of Works, are not as satisfactory as they should be. I think in a matter of this kind, he who is looked to for keeping all the fires in the Metropolis down should be one of the parties consulted in the matter of the safe-keeping of the documents in the Public Record Office. As I am informed, the gentleman in charge of the Fire Office has never been consulted in any shape with regard to the records. The Record Office is entirely in different hands, and this gentleman knows nothing about the means to be taken should a fire break out there. He and his men would have everything to learn; and I really would impress upon the Government how desirable it is that Captain Shaw, one of the most valuable officers we have in this particular department, should be placed in the closest connection with the Record Office, and should be consulted about protecting it from fire.

MR. HEALY said, that before the noble Lord rose, he wished to draw his attention to another point, and, perhaps, if he was not able to give an answer off-hand, he would make a point of inquiring into the matter, and giving full information on Report. What he (Mr. Healy) wished to know was what the Government intended to do in the case of the old Irish manuscripts in Italy and Switzerland, which the Italian and Swiss authorities had very liberally offered to give up, on being assured that they would be placed in safe-keeping, either in this country or Ireland? He did not know whether the question

properly arose under this Vote; but it was a fact that very valuable Irish manuscripts were in the Library at Rome and in the Libraries of some of the Swiss towns; and they were considered of comparatively little value in these foreign countries. The foreign Governments would be willing to give them up to the custody of such a body as the Royal Hibernian Academy. What he wished to know was whether the keepers of the Italian and Swiss Libraries had put themselves into communication with the Government on this matter? The subject was one of national interest in Ireland, and he trusted the Government would give it the consideration it deserved.

LORD FREDERICK CAVENDISH said, it had not been brought to his knowledge that any offer of manuscripts had been made to any Department of the State by any Italian or Swiss officials; but he would make inquiries into the subject without delay.

MR. HEALY said, he did not mean to say that communications had passed; it was more in the shape of an understanding between the officials of the two countries.

LORD FREDERICK CAVENDISH said, he would inquire whether the matter had ever been under consideration; if it had, at any rate it had not come under his notice. As to the important question raised concerning fires, he fully concurred with the right hon. Gentleman (Sir R. Assheton Cross) as to the extreme importance, not only of the Public Record Office, but of every Office of the State, taking the best precautions against the outbreak of fire. Whether or not the best arrangement would be to make the Chief Officer of the Metropolitan Fire Brigade responsible for the documents in the different Departments of the Government, he was not at present prepared to state; but he could promise the right hon. Gentleman that the matter would be considered. With regard to the question put to him by the hon. Member on that (the Ministerial) side of the House (Mr. J. Cowen) as to the facilities to the public for obtaining copies of historical documents, he would inquire whether these facilities could be extended, and whether a list could be prepared of all the publications which could be procured in the Office. The sale price of these documents was always

limited to the cost of printing and paper, no charge being made in respect of editing or preparing, or what he might call the mental work in connection with the records. He did not know whether further facilities could be given; but, if they could, he agreed with the hon. Member as to the importance of rendering these documents as accessible as possible to the public.

MR. RYLANDS said, he would like to suggest that copies of the records should be sent to the Libraries of the various Provincial towns in the country where Libraries had been established by Act of Parliament, and were, therefore, of a permanent character. It was a very small thing to ask, and this was not the first time he had ventured to make the request. Considering the large Votes of money that Public Institutions obtained in London, it was a very small thing to ask that the local Libraries should have copies of the Record publications presented to them. Perhaps the noble Lord would undertake that the matter should be considered by the Government?

MR. TORRENS considered the observations of the hon. Member for Wexford (Mr. Healy) were very important, and deserved the careful consideration of the Government. He (Mr. Torrens) had not been aware of the possibility of their being able to obtain these documents from foreign Governments; but he might mention to the Committee a matter which was within his own knowledge. A valuable document connected with Irish history had been allowed to pass out of this country merely owing to the parsimony of those entrusted with the purchase of such things. The document in question had been offered over and over again to public bodies in Great Britain, including the British Museum and the Record Office. Terms had not been come to, and at last it had gone to Washington, and was now in the Museum of the American Capital. The suggestion which had been thrown out was very well worth the consideration of the Government; and he hoped such instances as that to which he referred might not occur again. He would suggest to the authorities of the Record Office, as well as to those of the British Museum, that it would be desirable in the existing advanced state of science that they should altogether dispense with the dangerous system of artificial lighting

which was now adopted. He had been struck, both at the Record Office and the British Museum, with the danger arising from the use of gas, and it appeared to him strongly desirable that this mode of lighting should not be applied to either of these places. There were no buildings in which a safe light was more essential than these repositories of ancient records and public documents. Therefore, he hoped before the Vote came on next year that something would be done in the direction of adopting a new method of lighting.

MR. FINIGAN said, he wished to make an observation on a matter which he considered deserved the serious attention of the noble Lord. He wished to ask whether the work of investigating documents in the archives of Venice was commenced in 1862; and whether when it was entered into it was not declared that it would last 13 years, and that the total cost would not exceed £5,000? Was it not a fact that this sum had been exceeded by £1,699? He should like to know how this expenditure was going on, and whether the Government proposed keeping to their original intention or varying from that? If it intended departing from its original intention, he should like to know whether it was intended to ask for further powers?

LORD FREDERICK CAVENDISH said, he thought that the further powers necessary were taken when the Estimates were passed. He believed the result of the investigations in the Venetian archives had been of almost unrivalled interest. The documents obtained had been of enormous value, and he believed that already, in all, 115 volumes of transcripts had been received in the Public Record Office in this way. He did not know whether the hon. Member or the Committee desired that this work should cease.

MR. J. COWEN wished to point out that the documents which had been obtained in Venice had a special reference to the matter the hon. Member for Wexford (Mr. Healy) had mentioned. These documents distinctly referred to Irish history.

Vote agreed to.

(9.) £22,943, to complete the sum for the Registrar General's Office, England.

MR. ARTHUR O'CONNOR said, with regard to the Report of the Registrar

Lord Frederick Cavendish

General for England, he would ask whether it would not be possible to make it a little more complete on a very interesting point? He noticed on page 146 of the last Report that the record of violent deaths showed that there were of homicide cases 206 males and 168 females in the year, making a total of 374, or more than one a-day. Of suicides there were—males 1,299, females 465, giving a total of 1,764; that was to say, 33 suicides every week in England. That was a very interesting statement, but it did not include executions, which were over and above these figures. These figures included 91 murders of males and 110 of females, 115 cases of manslaughter of males and 58 of females. The figures were simply appalling; and to those hon. Members who came from a nation not given to habits of this kind it was enough to make them feel nervous to know that this was the state of things in the country in which they were obliged to live, at any rate, six months in the year. He had endeavoured to ascertain from the Registrar General how many cases had been brought to justice; but he did not find that the necessary materials were supplied. He believed, however, that 60 per cent of the cases of murder and manslaughter were not brought to justice. But the Registrar General, as he had said, did not appear to give information on that subject. He did not know whether it was in his province to do so; but if he could furnish the details, it would make his Report more complete and interesting.

Vote agreed to.

(10.) £295,000, to complete the sum for Stationery and Printing.

SIR WALTER B. BARTELOT remarked, that this was always a heavy Vote and badly arranged; but he was bound to say that it was this year very much better framed than formerly. There were, however, many items with respect to which the Committee still stood in need of more particular information. For instance, there was a charge of £60,755 for the War Office, of which no particulars were given, the amount being simply put down as a lump sum. Hon. Members would see that this was a very large item, and he thought the Committee might very properly ask that some further information should be given

with respect to it than appeared on the face of the Estimate. The want of particulars was not only apparent in the case of the War Office, but there were several Departments for which a charge was made in the same way, and about which much more detailed information was desirable. He had no wish to delay the Vote, but simply rose to ask the noble Lord the Financial Secretary to the Treasury to give instructions that in future further information should be furnished with respect to the charges for the various Departments.

LORD FREDERICK CAVENDISH said, he should be happy to see further information given upon the subject referred to by the hon. and gallant Baronet opposite, if it could be done without overloading the Estimates. He was sure that hon. Members would agree that while every possible information should be given, it was by no means desirable that the volume of the Estimates should be made more bulky than at present.

An hon. MEMBER said, he thought there ought to be no difficulty in arranging for more information of a necessary kind, seeing that so much was given that was quite useless.

MR. J. COWEN said, that this Vote was one of the heaviest in the Estimates, and required careful consideration. He believed the hon. Baronet the Member for Midhurst (Sir Henry Holland) had on a previous occasion suggested that a Committee should be appointed for the purpose of investigating the whole of this question; and he thought, if that were done, it would have the effect both of simplifying the form and reducing the amount of the Vote. It was difficult for anyone at that time to enter into an elaborate examination of these charges, and he certainly had no wish to do so; but anyone practically acquainted with the matter would perceive at once that on several items a considerable amount could be saved. A good deal of the paper used in the Department was of a kind that in the course of a few years would be found to be useless, while the printing would be unreadable, because the ink on the paper would disappear. The question, therefore, was one which required consideration. To spend money on paper that would not be permanent involved a distinct loss to the nation, and he thought these considerations were such, as amongst others,

might fairly justify the Government in acting upon the suggestion of the hon. Member for Midhurst for the appointment of a Committee. With regard to the Foreign Office papers, it must be remembered that the better class of printing in connection with them meant higher wages, and this would account for the increase under that head. And not only was the printing costly, but it was badly done. As a practical printer, he was prepared to say that some of the Government work was printed upon paper and with ink that, in the course of time, would fade, and the reports become wholly illegible.

LORD FREDERICK CAVENDISH said, that this subject had been under most careful consideration for several years. With respect to the appointment of a Committee, he would remind his hon. Friend the Member for Newcastle that a Joint Committee of the two Houses had been recently sitting to inquire into the question of Parliamentary printing. The investigation of that Committee would undoubtedly embrace the points raised by his hon. Friend, and in the meantime he could assure him that every effort had been made to keep the expenditure under this Vote within proper bounds.

MR. ARTHUR O'CONNOR said, he wished to ask the noble Lord for some information with regard to the charge upon page 146 for the *Gazettes* of London, Edinburgh, and Dublin. He would like to know what became of the £32,000 profit arising from these publications? Because, if it went to the printer, he was at a loss to understand why the money paid to the printer for the publication of the *Gazettes* was included in the account which resulted in this profit being shown. On the other hand, he did not see why it should be credited to the printer, because the estimated extra receipts amounted to only £4,690. Under the circumstances, it was difficult to see what became of this large sum of £32,000. There was another point to which he wished to call the attention of the noble Lord. Of late years the Stationery Office had obtained power to extend its operations to India; and he understood that the Calcutta tradesmen had made representations to the Government upon this subject. They protested against the recent Order of the Secretary of State directing the Sta-

tionery Department to obtain its supplies in England instead of in India as heretofore, and they described it as unjust towards India, and inconsistent with the late resolution of the Government, to encourage private trade by purchasing its stores as far as possible in the Indian market. The Order of the Secretary of State had been made apparently in ignorance of the fact that the system of buying Government stationery in India had for some time worked well, and effected a large saving. He must say that, on the face of it, the representation of the Calcutta Trades Association was a reasonable one, and if it was a fact that the system of supplying the stationery from the Indian market had resulted in a saving, as compared with the system of supply from this country, it would be very difficult to justify the alteration made by the Secretary of State for transferring the business to England. There was another point arising on this Vote to which the noble Lord some months ago promised his attention—namely, the amount of money paid for printing in the Foreign Office, the authorities at which Department had a special printing office under their control. He had pointed out on a previous occasion that the rates of payment for work done in that Department were various, and in many cases above the rates at which the work could be done by the Stationery Office. He was certain that the Controller of the Stationery Department had made representations as to the waste of money which took place in the Foreign Office in connection with printing; and he believed the noble Lord had stated that the matter should be inquired into, and the resolution arrived at stated to the Committee.

LORD FREDERICK CAVENDISH said, that the explanation of the point of the hon. Member for Queen's County with regard to the publication of the *Gazettes* was that the money was paid in stamps and not in cash, and did not, therefore, appear in the actual receipts paid into the Exchequer. With regard to the Foreign Office printing, his hon. Friend the Under Secretary of State for Foreign Affairs had stated that the question was under the careful consideration of the Foreign Office; but it must be borne in mind that, although the printing done at the Office related to matters that were confidential, there were some

classes of work of a more strictly confidential character than others; and it would, he thought, be very questionable economy to risk publicity by an attempt to get the printing executed at a smaller cost. Nevertheless, every endeavour would be made to see if anything could be saved in the Department in question.

MR. ARTHUR ARNOLD asked for an explanation with respect to the increase of £10,000 for printing, binding, &c., for the two Houses of Parliament.

LORD FREDERICK CAVENDISH said, he hoped that before long the Report of the Joint Committee of the two Houses upon the subject of Parliamentary printing would be in the hands of hon. Members. Although the arrangements with regard to stationery were not under his direction, the whole question was receiving the attention of the Government.

MR. HEALY wished to ask the noble Lord a question with regard to the increase of £1,000 upon the amount paid last year to Mr. Hansard in respect of Parliamentary Reporting—an increase which he was glad to see, and about which he would simply inquire whether it was to become a permanent charge in the Estimates? He observed, also, a charge for a number of copies of the Debates purchased from Mr. Hansard, and presumed that these were distributed amongst the various Public Offices. Perhaps the noble Lord would afford some explanation upon these points? The noble Lord would be aware of the great interest taken by the public in the Irish Land Question, and that a large demand had been created for copies of the Irish Land Bill; and he wished to call the attention of the noble Lord to the fact that what he might call fancy prices were being charged for them. He would therefore suggest that, as in the case of other Parliamentary Papers, the price should be stated on the face of the Bills before Parliament, so that no extra might be exacted from the public. Then with regard to the charge for *The Dublin Gazette*. It was well known that this was published on Saturdays, and that it had been enacted by statute that proclamations of Irish towns and districts should appear in that *Gazette*. But, upon a recent occasion, when the City of Dublin was proclaimed—an event fol-

lowed by the arrest of the hon. Member for Tipperary (Mr. Dillon)—*The Dublin Gazette* was not obtainable on the Saturday, but was kept back from the public until midnight on Sunday. Now it was something in the nature of a public scandal, and one which called for the notice of the Committee, that *The Gazette* office, which had only to do the cut-and-dried work of publication, should play into the hands of the authorities of Dublin Castle, by delaying the publication of this official record, in order to prevent the citizens of Dublin being made aware of the fact that their city was proclaimed. That act might be held to be illegal; and it might even follow that because *The Gazette* was issued on Sunday the proclamation was illegal also, and that the hon. Member for Tipperary was now lying in Kilmainham under illegal duress. He trusted the noble Lord would make a statement on this subject on Report.

MR. LABOUCHERE pointed out that the printing of the House of Commons cost more than that of the House of Lords. Confidential printing, conducted at the Foreign Office, was charged 26 per cent more for than when it was done elsewhere. He also wished to point out that every Member of that House received a ton weight of Blue Books every year. Within the last six years £55,000 had been saved in the expenditure on the Stationery Office, and he believed that a further sum of £10,000 per annum might be saved in that Department.

MR. J. COWEN said, he thought the increased expenditure with regard to Mr. Hansard's reports was fully accounted for by the increased amount of work done, and that the additional sum paid to that gentleman only compensated, and no more than compensated, for the additional labour thrown upon him. He thought that the House would be compelled very shortly to face the fact that either it must abandon Mr. Hansard's reports or pay him a larger sum of money, or that it must adopt some system of official reporting. Mr. Hansard's reports were admirably done, and the books were exceedingly well printed, and he believed their value was in no way repaid by the amount of this grant. There was no doubt that the late Chancellor of the Exchequer made an excellent bargain with Mr. Hansard, inas-

much as the payment did not at all come up to the expenditure incurred by that gentleman.

LORD FREDERICK CAVENDISH said, his hon. Friend the Member for Newcastle (Mr. Cowen) had explained the real reason of the increased payment to Mr. Hansard, to which the hon. Member for Wexford (Mr. Healy) had referred. Representations had been made to him (Lord Frederick Cavendish), at the time the Estimates were being framed, that, owing to the increased length of the Session, the arrangements which were made by the right hon. Baronet opposite (Sir Stafford Northcote) with Mr. Hansard had not been at all profitable to that gentleman—in fact, that the arrangement caused Mr. Hansard extreme anxiety. Mr. Hansard had told him—and he had proved himself a true prophet—that, long as previous Sessions had been, he expected that this Session would be longer, and he had urged that he could not undertake the reporting of this Session unless an addition were made to his usual remuneration. It was in consequence of those representations that he (Lord Frederick Cavendish) had agreed to place in the Estimates of the present year an additional sum of £1,000. With respect to the suggestion that the cost of Bills introduced into that House should be printed on the face of the Bills, he regarded it as a very good one, and would inquire whether there was any good reason why it should not be adopted. Then, with regard to the publication of *The Dublin Gazette* on Sunday—

MR. HEALY: It was delivered on Sunday. There is no evidence as to when it was published.

LORD FREDERICK CAVENDISH thought it was quite conceivable that circumstances might arise which would delay the publication of *The Gazette*, and render it necessary even to infringe upon the sanctity of the Sunday by the delivery of the paper on that day. The hon. Member for Northampton (Mr. Labouchere) had asked him whether any further reform could be effected in this Department. But he would remind the hon. Member that the Treasury had a most limited control over Parliamentary printing, which rested with Mr. Speaker.

MR. HEALY wished to give Notice that he should again call attention to

the subject of *The Dublin Gazette*. He regarded the circumstance to which he had referred as raising a very important political question. With regard to the item for reporting, he wished to know whether it was intended that the extra grant of £1,000 would become a permanent charge? In asking that, he did not wish to detract from the value of Mr. Hansard's reports.

LORD FREDERICK CAVENDISH thought this would depend upon whether they were always to have such long Sessions. He believed the original proposal would have been sufficient for an ordinary Session; but if they were always going to have Sessions of seven or eight months' duration, although he was not able to say exactly what would be done, the arrangement would require to be reconsidered.

Vote agreed to.

(11.) Motion made, and Question proposed,

"That a sum, not exceeding £12,196, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Office of Her Majesty's Woods, Forests, and Land Revenues, and of the Office of Land Revenue Records and Inrolments."

MR. PUGH said, in rising to move the reduction of this Vote by the sum of £2,000, he should confine himself to matters that were of general interest alike to the people of England and Wales. He had endeavoured to get an opportunity to bring this question of Crown Lands before the House in another form, but had failed in his endeavour, although he could assure the Committee that this was owing to no fault of his own. He was extremely sorry that he had not been successful, because there were many things that he desired to lay before the House which he did not think it would be right for him to bring at length under the notice of the Committee upon the Estimates. For the latter reason he should be very brief in his observations. A Return had been issued in the beginning of the year on the Motion of the hon. Baronet the Member for Radnorshire (Sir Richard Green Price), which showed the area of the unsold Crown Lands in Wales to be 85,000 acres, and the profit derived from them, in the way of rent, to be nil. The Return went on to say

Mr. J. Cowen

that although no profit was received from this source, there were profits received from other sources—namely, the profits of mines, rents for sporting, estrays, &c. Now, with regard to the mines he contended that they should be managed in the way that would develop them most for the good of the country; but his charge against the Department with reference to the management of mines was that their policy tended to retard the development of the mines, and so do a very serious injury to the people and to the country. The terms demanded by the Commissioners of Woods and Forests were such as the Committee would see at once no private individual would insert in his lease. It was required that on every transfer of any mine there should be payable to the Commissioners of Woods and Forests not only a quarter of the profits, but one-fourth of the nominal profit on the sale of the mine. The only reason given for that provision was that it put a stop to speculation in mines. But a moment's consideration of this matter would show that the effect was in the contrary direction, because it was no hardship to speculators who received cash for their shares to pay over one-fourth of the money to the Commissioners of Woods and Forests. The effect, however, would be very different in the case of a man who had discovered a good mine, and who agreed to take no cash at all, but only paid-up shares. Supposing he was willing to sell for £1,000 over and above his expenses, the transaction could not be carried out unless he could and would find £250 in cash to pay to the Commissioners of Woods and Forests. He maintained that a provision of that sort was calculated to retard the development of the mining resources of the country. Moreover, he had known instances in which he believed that simply in consequence of the outrageous provisions made by the Commissioners, mines had been stopped, and a large number of miners had been thrown out of work, and any-one living in the neighbourhood of mines would understand the full significance of that fact. Not only were there lead mines in Cardiganshire, which, to a large extent, for this cause remained undeveloped, but there were also gold mines in Merionethshire, from which it was a fact that the Commissioners of Woods and Forests had in one year received

no less a sum than £2,000. Here, again, great complaint was made of the conduct of the Commissioners; but he should not trouble the Committee with the details, further than by pointing out that the practice appeared to be to deal with gold and lead mines in the same arbitrary and inconsiderate manner. Now, his proposal was to relieve the Department of all trouble and responsibility with regard to the soil and surface of these 85,000 acres of land, an arrangement that would allow for the reduction of the establishment to about the extent represented by the sum by which he moved the reduction of this Vote. He contended that the present system of control could not be maintained with advantage to the country; and he believed that if the full Return asked for, showing the receipts and expenditure, had been granted, it would have appeared that a large sum of money was being paid for no useful purpose whatever. He challenged the noble Lord in charge of the Estimates to say what the rents for sporting amounted to. As far as his own experience went the Commissioners of Woods and Forests occasionally got an English gentleman to take a lease, and to pay rent for a certain number of years; but although he was aware that such instances had occurred, he had never known or heard of any such lease being renewed. It sometimes happened, also, that a neighbouring landowner took one of these leases for the purpose of better preserving his own adjoining shooting; and they were, perhaps, renewed in cases of that kind. However that might be, he felt certain that the amount of revenue derived from the letting of sporting rights was exceedingly small. Next came the revenue from estrays, the meaning of which was the profit derived from the catching of stray sheep. Upon this subject he would remark that, having gone carefully into the question, he believed that the opinion in the country was that a great deal of wrong went on under the name of taking estrays. He had never been able to ascertain in what way the revenue under this head was made up or collected; but perhaps the noble Lord would be able to say something in explanation of this matter. He believed, however, that the Committee would agree that unless the revenue derived from this source was large and import-

ant, the sooner such a system was done away with the better. Now, with regard to the policy of the Commissioners of Woods and Forests. He contended that it was, as far as possible, to keep these lands in their present position, to prevent any inclosure or improvement; and he would go to the extent of saying that the Department of Woods and Forests, in preventing improvement, went a great deal further than any private landowner would dream of going. What had been the policy of the Commissioners with regard to the question of inclosure? He could trace it down from the year 1845, and even further back. He would point out to the Committee that several Inclosure Acts had been passed previous to that time, and that the share obtained by the Crown under those Acts was 1-20th. In 1844 a Return was made to the House of the transactions which had taken place between the Duke of Newcastle and the Department of Woods and Forests; and by a reference to the Papers it would be found that they obtained a 20th share in respect of some of the land bought by his Grace, and 1-16th share in respect of other portions. But, coming down to later times, he would mention the case of Borth, a village in Cardiganshire, on the sea, the higher portion of which was much resorted to by tourists and strangers. The lower part was in the occupation of persons of whom he should not be wrong in saying that they were all, or nearly all, the owners of the freehold of their houses, but the possessors of no other property. The village was built on the shingle thrown up by the sea, and behind it was a morass many miles in extent. Now, it was said to be merely a question of time when this village would be washed away, unless something effectual was done to protect it—and something which the owners of the houses were not in a position to do unaided. At the back of the village there was an extent of Crown land; and, a few years ago, a movement was set on foot to get this land enclosed, part of it being set aside and sold for the purpose of raising money to protect the village from the sea. The whole of the facts were put before the Department; but, so far from doing what any private individual would have felt bound to do under the circumstances, the Commissioners simply ignored the

danger to the village, and refused to render any assistance, or to permit the inclosure, except upon the most inequitable and unjust terms. Since the time he referred to—1877—things had gone from bad to worse; and, as far as he knew, the Crown, or rather the country, had received no revenue whatever from this land. Then there was another case, in connection with about 2,000 acres of land in Carmarthenshire, called Llanllwin Mountain, which belonged to the Crown, and from which, he believed, no revenue was derived. There had been much correspondence on the subject between the people of the district and the Office of Woods and Forests. This was land much of it suitable for building purposes, and all for cultivation, and which, if so used, he had no doubt, would greatly benefit that part of the country. After the refusal of the Commissioners to accept the proportion of 1-12th, or any fixed proportion at all, they proposed that the people should appoint as arbitrator to decide the proper proportion one of several persons whom the Woods and Forests Department were in the habit of employing. The people selected one accordingly; but that did not suit the Department, who clearly intended that the terms should not be carried out; and they, accordingly, insisted upon giving their own instructions to that gentleman, and refused to allow him otherwise to proceed. Those instructions were most unfair, and conceived entirely in the interests of the Department. It would, he believed, be absolutely impossible to carry out any inclosure upon such terms. The Crown retained the management of the land, and that, he thought, was to be deplored in the interests of the whole country. If the whole of these 85,000 acres were inclosed, the portion allotted to the Crown could be sold in whatever manner the Crown thought proper, and it would be readily bought up by the miners in Wales, for the purpose of building cottages and making gardens, and inclosures for pasturage. The Department, by retaining the whole of this land, could derive no profit—but the result was that no tree could be planted, no fence could be made, and no drain or ditch could be dug. With reference to improvements, if a man wished to put up a fence, the Department acted in a way which no private

individual would adopt. The hon. Baronet the Member for Denbighshire (Sir Watkin Wynn) was the lord of many manors in North Wales, and whenever any of his tenants wished to make any improvement upon the land he was prepared to allow them to do so, upon their acknowledging his right and paying a reasonable sum by way of acknowledgment. That was how a landlord should act; but that was not the way in which the Woods and Forests Department acted. What they did in such a case was this. After a long correspondence they would allow two neighbouring owners to put up a fence between them at a nominal rent; and after the fence had been completed they would refuse any longer to receive the nominal rent agreed upon, and insist upon the payment of a rent calculated according to the improved value of the sheep-walks. In a case of which he knew, the rent charged was 2s. 6d. a-year; but before two years expired, after the fence was completed, upon which the owners had expended not less than £100, the Department, in the interests of the country, as they said, refused any longer to accept 2s. 6d. a-year, but demanded £7 or £8 a-year. There was another case where two tenants of one landlord, who had sheep-walks extending over a large tract of country, put up a fence as between themselves, without any help from the landlord. An offer was made to acknowledge the rights of the Crown, and to pay a reasonable sum in acknowledgment; but no acknowledgment was accepted, and the fence, he believed, had to be, and was actually, taken up. Were the Committee inclined to vote for the continuance of that sort of thing? It was a disgrace to any Public Department that such things were allowed to go on. He would not mention names in the matter; but he had a letter from the agent of one of the largest landowners in Cardiganshire—the agent himself also being in an independent position—stating that he had consulted with his employer, and they both felt bound to decline to furnish him with information, lest the estate should fall under the lash of the Department. He hoped some assurance would be given that this matter would be inquired into in some proper manner; and unless such an assurance could be given

he should ask the Committee to divide upon his Motion.

Motion made, and Question proposed,

"That a sum, not exceeding £11,198, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Office of Her Majesty's Woods, Forests, and Land Revenues, and of the Office of Land Revenue Records and Inrolments."—(*Mr. Pugh*.)

LORD FREDERICK CAVENDISH remarked, that the hon. Member had brought a series of very grave charges against the Commissioners of Woods and Forests. The hon. Member argued, in the first place, that £2,000 might easily be saved in connection with that Department. He had no doubt the hon. Member might be an economical administrator; but he had considerable doubt whether the hon. Member would be able to save £2,000 out of £1,600, which was all that was expended in Wales. In 1852 the receipts of the Department amounted to about £6,000; in 1881 they amounted to £13,770; and, in addition to that increase of Revenue, they had derived, from the sale of a large number of quit rents and other fixed rents, to the extent of £135,000, what would amount to over £4,000 in interest. As to the charge of the hon. Member that the Department acted harshly and unjustly towards individuals brought in contact with them, and that the regulations respecting mining leases were such as to entirely check the development of mines, he found that the income had increased from £7,127 in 1868 to over £9,000 in 1881. That did not appear as if the provision with regard to mine leases had entirely checked the development of mines in Wales. With respect to that provision, he was not prepared to say whether it was wise or not; but it was introduced to check speculation in mines. He could not exactly understand the object of the hon. Member's remarks with respect to the sporting rights of the Crown. Did he wish the Crown to give those rights to certain persons free of any charge, or did he think they should obtain, as they now did, the best price they could on behalf of the public? As to sheep straying, the hon. Member seemed to suggest that the Crown appointed men for stealing sheep; but the

Crown did not appoint the men referred to. They were appointed by the Commoners, in order to prevent sheep getting on to the commons; and if those men did not rightly perform their duties, the people who should complain and deal with the matter would be the Commoners who appointed them. Then, with respect to the question of inclosures, the hon. Member said the Crown asked for too large a proportion of the value. There had been considerable difficulty in ascertaining what proportion the Crown should demand, and it was found that the amount had varied very considerably. The Woods and Forests Department had, therefore, recently adopted a rule that before they agreed to any inclosures there should be an arbitration between the Commoners and the Crown, in order to ascertain the fair proportion due to the Crown. In all such cases the Department offered to pay one-half of the cost of the inquiry, and it was found that the proportion received by the Crown in such cases had varied from one-tenth to one-half. The hon. Member had referred to one or two particular cases of hardship, and he should be extremely obliged if the hon. Member would give him the particulars of those cases, in order that he might investigate them. With regard to the lash of the Woods and Forests Department which had been alluded to, he did not believe that any such act of tyranny as that suggested would be exercised; and, at any rate, if the hon. Member would give him such information as he wanted upon this question, he would undertake that no one should suffer. Then, with regard to the final charge respecting fences, the hon. Member stated that the Crown had agreed to allow tenants to erect a fence at 2s. 6d. a-year, and had suddenly broken the bargain, and raised the rent to £7 or £8. He was bound to say that that charge was a great surprise to him, and if the hon. Member were to give him the particulars of the case he would have that also carefully investigated. The hon. Gentleman had recently changed the wording of his Amendment, which, as it stood for many weeks, proposed simply to strike off the salary of Mr. Howard, one of the Commissioners; but within the last day or two the form had been altered to a reduction of £2,000. Mr. Howard, even if all that had been

said by the hon. Member respecting him was correct, had done a large amount of work outside Wales, and it would not be fair to deprive him of all his salary. He had been suffering from a severe illness, and after he had discharged his duties for many years in the way in which he had discharged them, he (Lord Frederick Cavendish) was bound to say that he believed the charge of the hon. Member would be found impossible of proof.

Mr. PUGH said, he wished to make some observations upon one or two points in the speech of the noble Lord. A reflection of a very serious nature had been cast upon him with regard to the change in the form of his Motion. The Motion was originally in the form described by the noble Lord; but he was not then aware of Mr. Howard's state of health, of which he was extremely sorry to hear. He assured the Committee that nothing was further from his intention than to cast any personal reflection upon Mr. Howard. He simply put Mr. Howard's name in the Motion as being the gentleman in charge of this particular matter. He had always thought, and still believed, that had Mr. Howard been in proper health and strength these things of which he complained would not have occurred. He had not intended to refer to Mr. Howard's name at all in this debate; but as it had been brought forward by the noble Lord, he thought it right to explain why he had originally mentioned his name in connection with this matter. The noble Lord said that he (Mr. Pugh) had charged the Crown with asking for too large a share of the inclosures. He carefully guarded himself from saying that they asked for too large or too small a share, or from expressing an opinion at all upon the point, because he did not know what the proper share of the Crown was. He had no objection to the Crown having a proper share; but he thought the inclosures should be encouraged rather than discouraged. He did not know why the noble Lord should have put the particular question as to sporting rights; but what he wished was that whatever was done should be done for the benefit of the nation. His own opinion was that if these inclosures were made, and portions were sold, the Crown should not retain the sporting rights in order to harass the people with

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out receiving any substantial and adequate revenue therefrom. With regard to the question of sheep straying, he was at a loss to know how the Crown derived its revenue in this respect. If the noble Lord was right in saying that these men were appointed by the Commons, he did not know how or when they were appointed; but he would make inquiries into the matter in order to understand how the revenue from this source was collected. He did not think there was anything he had said which constituted a charge against the Commissioners of having decreased the revenues of the Crown; but he did think the Crown were getting a certain sum of money which it was not for the advantage of the State to insist upon, and it would be much better for them to increase the sum which the noble Lord pointed out as the money they obtained from the sale of property, and to cease to get money by the harassing method of catching these stray sheep, and by the other methods he had referred to. As the noble Lord appeared to doubt whether such a reign of terror had been established, he would say that the letter to which he had referred contained this passage—which he would read to the Committee—

“I am afraid any information I might give you on the above subject might bring me under the lash of the Office of Woods and Forests. Therefore, I think it better not to mention cases. I mentioned the subject to his employer, and he agrees with me.”

Mr. CAINE said, he hoped the Government would pay no attention to the arguments advanced respecting the ground leases of mines. He had had great experience in these matters, and he knew that the conditions in the leases had had a wholesome effect in checking unwholesome speculation.

Mr. ARTHUR O'CONNOR observed, that there was in this Vote an item of an exceptional character. At page 141, under the heading “Legal Branch,” there appeared £1,200 a-year for the solicitor, and £250 for the clerk, and a further allowance of £1,080 paid by the solicitor as salaries for clerks. It appeared to him to be rather strange, and an unusual system in the Service, to farm out this clerical work, and he wished to ask what was the particular object of introducing or allowing this system in this Department, when it had been

swept away in almost every other Department? The clerical work of the legal branch of this Department was farmed out to a solicitor, who employed such clerks as he thought fit, or put the money into his own pocket. Then there was another point to which he wished to draw attention. At the bottom of page 143 there was a note as to the Keeper of Records. He had £550 a-year, and he had also emoluments derived from fees; and there was an arrangement made with him whereby, if such fees fell short of £150, that sum was made good to him from a public fund. It was not made clear from what public fund this balance was paid, and he should like to ask the noble Lord if he could give him information on that point. He (Mr. A. O'Connor) noticed that the Chancellor of the Duchy of Lancaster groaned, as only the right hon. Gentleman could groan, when he (Mr. A. O'Connor) had risen. He would, therefore, ask the right hon. Gentleman a question as to another point.

Mr. JOHN BRIGHT: The hon. Member says I groaned. I beg to say that I did nothing of the kind.

Mr. ARTHUR O'CONNOR said, he might have been mistaken; but if the right hon. Gentleman would remain in the House a little longer, he wished to put a question to him with regard to the property of the Duchy of Lancaster. He found in the Estimates an item showing that the Duchy of Lancaster had property in the Savoy, and that the Office of Woods was in some manner interested in the re-letting of a portion of the estates. He would ask the Chancellor of the Duchy of Lancaster whether he could inform the Committee if the arrangements had been completed, and, if so, what they were—whether the right hon. Gentleman knew anything at all about the property of the Duchy of Lancaster in the Savoy, its present condition, and whether there was or was not a rent paid to the Office of Woods? He would not ask more than two questions at once, lest they should be overlooked.

LORD FREDERICK CAVENDISH said, it was found to answer well to make the solicitor responsible for the work which had been referred to earlier on, and to give him power to employ a clerk, making an allowance for such a purpose. As to the other question put

to him by the hon. Member, it was arranged some years ago that if the fees of the Keeper of Records did not reach the sum of £150 the balance would be made good. These fees and this arrangement were looked upon as a part of the salary of this official.

MR. ARTHUR O'CONNOR said, he was sorry he had not elicited from the Chancellor of the Duchy of Lancaster any information as to the property over which he was supposed to preside, and for which his Department sometimes paid rent to the Office of Woods, and sometimes did not, because the item this year was "*nil*."

MR. JOHN BRIGHT: The matter to which the hon. Member endeavoured to call my attention does not appear to me to arise out of this Vote. The Duchy of Lancaster has property in, I suppose, 12 or 13 counties; and it is not likely that, on a summons like this, without Notice, I should be able, or even willing, to go into details with regard to that property. It may be sufficient to say that the income in respect of the property has greatly increased of late years. I do not attribute that in the least degree to anything that I myself have done; but some of my Predecessors have understood the affairs of the Duchy of Lancaster extremely well, and the property has greatly prospered. Hon. Members know that the income the Crown derives from the property is very much larger than it was a few years ago. At the same time, I must say that no one makes any complaint of the management of the affairs of the Duchy of Lancaster. Its tenants all over the country are uncomplaining and satisfied.

MR. ARTHUR O'CONNOR said, he had not touched upon this question.

MR. JOHN BRIGHT: I am asked a general question as to the management of the property, and as to something which is said to be owing to the Office of Woods. I know nothing of that question; but if the matter is one that the Committee thinks it worth while to go into, and upon which the Committee desires information, if sufficient Notice is given I shall endeavour to furnish it. Upon a matter which does not come regularly under a Vote, it is customary for an hon. Member to give Notice of a question, so that a Minister may be prepared to give a satisfactory answer. As the Committee knows per-

fectly well, the expenses of the Duchy of Lancaster are not voted by Parliament, and do not come under the cognizance of Parliament.

MR. ARTHUR O'CONNOR said, he did not wish to make an attack on the right hon. Gentleman the Chancellor of the Duchy of Lancaster, but merely wished to know why a certain source of income connected with the Vote had been cut off, that source of income being the payment of rental by the Duchy of Lancaster to the Office of Woods on account of property in the Savoy. The interruption, he believed, was only temporary, depending upon the settlement or an arrangement of the details of the administration of the particular property. He had been anxious to elicit from the right hon. Gentleman who was connected with the property whether the arrangements which were in hand some time ago had been completed, and if so what they were; and also if he could tell them what the property was in the Savoy, and why the Duchy had to pay over in normal years any rent whatsoever. The thing was quite pertinent to this Vote, as the question was one of income. [Lord FREDERICK CAVENDISH dissented.] The noble Lord opposite shook his head; but it must be income as it was an extra receipt. ["No, no!"] When money was paid over by the Duchy to the Office of Woods the Office of Woods must be a gainer, and when they were going over this Vote it was perfectly fair for him to ask why a sum which generally came under it did not come under it this year.

Question put, and *negatived*.

Original Question put, and *agreed to*.

(12.) £25,765, to complete the sum for the Works and Public Buildings Office.

MR. ARTHUR O'CONNOR said, he was sorry that he should have to rise so often on these Votes; but he should not do so if other Members would take the same trouble in going over these questions that he did. There was something so patent on the face of this Vote that he could not pass over it. It set forth a comparison between the number of officials in the Office of Works at present and those who had been employed in former years. Although this year there was a Surveyor of Inland Revenue Buildings at a salary of £650, there was

Lord Frederick Cavendish

last year no officer at that salary; in fact, on looking at last year's Estimates, they found there was no Surveyor of Inland Revenue Buildings, and no charge made for him. There were 10 first class surveyors shown this year against eight last year, and £2,143 charge as against £1,734 last year. But, as a matter of fact, there were not eight last year; there were only seven, and the amount charged was not £1,734, but £1,034. Then, again, lower down, there was one temporary clerk of works shown this year as against seven last year. But there were not seven last year; as a matter of fact, there were only three. Again, for temporary assistance in the Office in China in this year's Estimate £350 was put down as against £330 last year; but there was no such item as £330 charged last year. In the same way the figure put down for travelling expenses for last year was inaccurate, and throughout the Vote all the figures appeared to be wrong and misleading. There was another point upon which he should like some explanation. Under this Vote the Appropriation Account showed that £45,000 was received by the Office of Works for Southwark Prison; but the Finance Account showed the item to be £45,100. It was very unfortunate that such discrepancies as this should occur.

MR. SHAW LEFEVRE said, the discrepancies in question were easily explained. There had been a transfer from the Inland Revenue Department to the Office of Works of certain officials. Therefore, whilst there had been no increase in the numbers, the charges were put under different heads, and the account was rendered somewhat complicated.

Vote agreed to.

(13.) Motion made, and Question proposed,

"That a sum, not exceeding £10,000, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1882, for Her Majesty's Foreign and other Secret Services."

MR. GORST said, that if he could get any support at all from any part of the Committee he intended to divide against this Vote. He did not think they could discuss it at any great length at this period of the Session; but they had discussed it some time ago in Committee under a Foreign Office Vote. It seemed

to him that the existence of such a Vote as this in their accounts was not at all creditable to the Administration, and it was a remarkable thing to him that the whole of the money granted for Secret Service appeared to be spent every year. He found it very difficult to believe that it could be necessary to spend the whole of this money; but, at any rate, if such a charge was to be made for the Public Service of the country, the Ministers of the various Departments which were concerned in the expenditure ought, at least, to certify that the money had been spent, and that it had been spent on the Public Service. He believed they were told, when the matter was last under discussion, that the money was only accounted for by the Treasury, and that the Ministers of the other Departments were not called upon to certify as to payments made, and that it would be inconsistent with the character of the Service if that was done which the right hon. Gentleman opposite (Sir William Harcourt) seemed to think was done.

SIR WILLIAM HARCOURT: The Ministers of the various Departments do certify.

MR. GORST said, he did not believe it. The Vote, as it stood, was objectionable; and if it were to be allowed at all, Ministers should be required to certify that the money had been spent in the Public Service. He did not believe the Secret Service money was at all necessary; and if any hon. Members would support him he would take a vote upon the subject.

MR. BROADHURST said, he wished this Vote could be got rid of altogether. It was a source of great uneasiness and regret to many people that it should exist at all. Many working men believed that a large portion of this money was spent amongst very violent agitators, who were sent to take part in working men's political and other movements for the purpose of leading working men to extremes. ["No, no!"] Well, he was only saying that which he knew to be a very general opinion amongst working men, and he was not stating whether or not that opinion was correct. It was very generally believed that the late Administration was seriously misled as to the state of public opinion by the expenditure of a part of this Secret Service money. This was a very gene-

ral opinion; and he was bound to say that he, at that time, had himself shared in it. There were men in London who, it was perfectly well known, forced their company upon workmen and pushed themselves into every movement that was started. These people were always making the most extreme and the most ridiculous proposals in order to lead practical men astray, and the opinion was that these persons were very frequently fed out of the Secret Service money. Well, then there was another very general impression abroad amongst a large number of the electors, and it was this—that Members of Parliament received pay for attending and sitting on Committees and Royal Commissions—[*Laughter*—]and this, he could assure the Committee, was really a serious matter, and he, unfortunately, had been a victim to the ridiculous belief. The opinion outside was that Members of Parliament got five or six guineas a-day for sitting upon Committees, and that those who had been unfortunate in not having been placed on a sufficient number of Committees during a year had the deficiency made up to them out of the Secret Service money. [*Laughter*.] This, no doubt, appeared to be very ridiculous; but he was perfectly sincere in assuring the Committee that this opinion prevailed. Many electors, to his knowledge, had said—“If this man was not going to Parliament to make something out of it, would he come amongst us to spend so much money for the purpose of getting returned?” This was a very general impression, and a very distressing case was brought under his notice less than 14 days back—in fact, it came into his office in the Strand. A friend of his came to him and congratulated him that, since he had been in Parliament, from the various secret modes of paying Members of Parliament, he had received sufficient money to enable him to set up a carriage and pair and four servants. Well, this statement had caused him a considerable amount of regret—in the first place, because of the terrible state of ignorance it displayed amongst a large number of people; but he was bound to admit that by far the greater cause of regret was the fact that it was not true. For these reasons, and many other reasons which he did not consider it necessary to detail to the Committee at this time

Mr. Broadhurst

of night, he would suggest that this very extraordinary and suspicious item in our National Expenditure should be got rid of. If it were absolutely necessary that secret information should be obtained, he would pay for it by some other means than by putting down the lump sum of £30,000 a-year. He hoped the noble Lord would be in a position to tell them next year that he was able to abolish the Vote altogether, so that this great cause of suspicion might be removed from the minds of the electors.

SIR WILLIAM HARCOURT: The hon. and learned Member for Chatham (Mr. Gorst) said that, in his opinion, the Ministers who expended this money ought to be personally responsible, and ought to certify that it was spent in the Public Service. I stated across the House that they do so at present; whereupon the hon. and learned Member, with that courtesy and good taste he always exhibits, replied—“I don't believe it.” I should have imagined that any man who has sat in this House for any length of time could not have been ignorant of one of the most elementary points of detail in connection with the discharge of Ministerial functions here. I should have thought that everyone knew that the Minister who is responsible for the expenditure of any portion of the Secret Service money makes a declaration in writing, stating that he hereby certifies that the actual amount which has been expended by himself for Secret Service is so many pounds; and on the strength of that certificate the Comptroller and Auditor General certifies to the correctness of the account.

MR. GORST asked what the right hon. Gentleman was quoting from?

SIR WILLIAM HARCOURT: I am quoting from the certificate that every Minister signs, and that which I should have thought would have been a matter of the commonest knowledge in the House of Commons. The Heads of Departments are personally responsible for the appropriation of the Secret Service money. With regard to what my hon. Friend behind me (Mr. Broadhurst), who spoke in a very different tone on this matter, said, I am glad that we should have had the opportunity of revealing some popular mistakes with regard to this Secret Service money; and I can only avail myself of this opportunity of explaining to the country;

through him, that the method he has described is not exactly the way in which the Secret Service money is employed. I am not here to answer for what the late Government did; and for ourselves I cannot tell the hon. Gentleman what is done with the Secret Service money, because if I did I should destroy the goose that lays the golden egg. The very object of having Secret Service money is that it shall be spent without anybody knowing what is done with it. All Governments have a fund at their disposal for Secret Services, and they spend it, as we do, on the public good and the public safety. The House of Commons places this limited sum at the disposal of the Executive Government, on the responsibility of the Ministers who spend it. All I can say is, and it is all I ought to say under the circumstances, that I believe this is a fund which is necessary for every Government to have at its disposal, and that the public would suffer very severely, and probably very dangerously, if there were no such fund capable of being spent upon the protection of life and property in the country.

Mr. DILLWYN said, he regretted as much as anyone the necessity for such a fund as this. He had, it was true, always voted for it, but he had always thought that it should in some way be qualified; and he hoped that in addition to the assurance which had been given by the right hon. Gentleman the Home Secretary it would be stated that no part of the fund was expended in raising the salaries of officials as was formerly the case. He thought it most desirable that the Committee should have an assurance that the Secret Service money was expended for purposes altogether outside the Public Service; and if that were added to the declaration which had been made, it would be very satisfactory to himself and many hon. Members.

Lord FREDERICK CAVENDISH reminded the hon. Member for Swansea that the Resolution of the House upon the Motion made by the hon. Member for Burnley (Mr. Rylands) on a former occasion had been virtually adopted by Her Majesty's Government some years ago, when it was decided that none of the Secret Service Fund should be paid in salaries. Since that time assurances had been frequently given that no official salaries were paid out of the Vote.

Mr. LABOUCHERE said, he had no particular objection to the Vote, nor did he think that the sum of £33,000 was too large to be intrusted to the Government in the shape of Secret Service money. But he would like the noble Lord to say, in addition to his statement that the system of raising salaries had been stopped, that the system of giving pensions from this fund had also been discontinued. He was glad to hear the noble Lord say it had, and he now asked whether the whole of this £33,000 was spent, or whether it did not often occur that a portion of it was returned? It was improbable that the whole of the money was spent, and if it were not so, he thought the Estimates ought to show the amount actually expended.

Mr. ARTHUR O'CONNOR said, he believed it was necessary for the Government to have this money, because he thought that the present Government would not have been able to do what had been done in Ireland without it. Of this amount of £33,000, the greater portion was paid over to the Foreign Office, the Secretaries of State for the other Departments receiving portions of it, for which they gave their receipts and certificates. He believed there were instances in which the Foreign Office drew the whole of the money. The year before last there was a sum of more than £5,000 left in their hands which was returned to the Exchequer, and last year there was an amount of between £1,000 and £2,000 left undrawn. But it did not follow that because a Secretary of State drew a certain sum of money in any particular year and certified for it that he expended the whole of it in the course of that year; and certainly in the Foreign Office it was the practice, as disclosed before the Committee of Public Accounts, for the Foreign Secretary to draw what money he thought fit year by year, and to have a constantly increasing balance in his hands, so that at the time he left Office he had invariably a considerable sum to hand back to the Treasury; and it was found useful for that Department to have this money available, because it was always liable to be drawn upon by the other Secretaries of State, as banker for the Secret Service money. He was quite at a loss to understand what was the use made of the Secret Service money abroad, unless it was applied to

the manufacture of infernal machines in America. But the Prime Minister had admitted last year that a sum of money was spent in Ireland, although he added that he did not think it was a very large one. Now, he objected entirely to the expenditure of the Secret Service money in Ireland. It was very well perhaps to spend it in America; but to spend it in Ireland was something against which Irish Members might be reasonably expected to protest, because they knew that out of this fund had come, over and over again in past years, the wages of blood, which had kept the regular Corydons and others in the pay of the Government. Of course, the Government would not be likely to allow an investigation to take place as to the amount expended in Ireland; but hon. Members might be permitted to ask them to state, in addition to what appeared on the Estimates as the amount of Secret Service money actually drawn under this Vote and from the Consolidated Fund, what was the distribution of it as between the different Departments. Surely the right hon. Gentleman would not object to tell the Committee what amount was allocated to the Foreign Office and the Colonial Office, and what was the amount which he himself drew for the purposes for which he required it. If this information were given, hon. Members could, by taking into account the money paid back into the Exchequer, ascertain the amount spent for various purposes in Ireland. He had made this appeal last year, and he now made it again, because he did not see that there was any reasonable ground for refusing the information asked for. It was also desirable to know what was the amount of the Secret Service money spent out of the Kingdom as well as within it. The Prime Minister had stated last year that £5,000 of the money had been left untouched, and that the expenditure under the head of Secret Service money was a constantly decreasing item, and he added that he hoped in a short time not only to reduce the amount of the Vote, but to get rid of it altogether, because there would always remain the £10,000 out of the Consolidated Fund. In consequence of that statement, he felt there would be a considerable reduction in the Vote of this year; and he must express his surprise at seeing the same amount asked for now

Mr. Arthur O'Connor

as was the case 12 months ago, when the Prime Minister made the declaration.

Mr. GORST said, it was not an uncommon thing for the right hon. Gentleman the Home Secretary, when he got up to lecture hon. Members, entirely to misunderstand their point. His complaint was not that Ministers did not make a declaration, but that Parliament was not asked to vote the amount required by the various Departments upon the statement of the Minister of each Department that so much was required for the service of the country. The Committee were asked to vote a sum of money *en bloc* which was not accounted for, the Treasury being in ignorance of the way the money was used by the Ministers of the various Departments.

Mr. HEALY asked whether it was out of this Vote or the Metropolitan Police Vote that the money came which the right hon. Gentleman found it necessary to expend in watching the houses of Irish Members?

Mr. BIGGAR said, that, speaking as a Representative of the taxpayers of the Three Kingdoms, he was opposed to voting money for Secret Service purposes, because he believed the Government got no corresponding value in return. It was true there were the infernal machines; but these caused only a temporary excitement. The police in Ireland and in this country knew very well that information that was of substantial value could be obtained in the ordinary way; but if special means were taken the information was always of a thoroughly unreliable nature. Therefore, speaking from the ratepayers' point of view, he would say that no fault could be found with the expenditure of this money if true information were thereby obtained; but, unfortunately, the general experience was that the value of information was not in direct ratio to the amount paid for it—the greater the bribe, the greater the inducement to give erroneous information. On the question as to how this money was distributed amongst the various Departments, he hoped the right hon. Gentleman would accede to the wish expressed by his hon. Friend the Member for Queen's County (Mr. A. O'Connor), because if the information were given Irish Members would be able to make some guess as to the man-

ner in which it was expended, and what was the value or the pretence of value received in return. On the whole, he did not think the Committee would be justified in expending the taxpayers' money upon such a fund.

MR. O'DONNELL said, he thought the Government were bound to give the Committee some explanation with regard to the allocation of the Secret Service Fund. It was all very well to say that Ministers certified in a certain solemn way the amounts drawn by their respective Departments; but that hardly made the Committee wiser as to the objects on which it was expended. The hon. Member for Queen's County (Mr. A. O'Connor) had pointed out that the Foreign Office drew by far the largest amount; but he had also added that the Foreign Office in respect of the Secret Service money was a sort of bank on which the other Departments drew. He certainly thought the Government might inform the Committee what the Foreign Office really spent in obtaining information. But, looking to the notorious fact that this Department had had no information on any subject of importance for a long time back, it could not be by the Foreign Office that the Secret Service money was spent. He quite agreed that the Army and Navy were not fitting spheres for the expenditure of the fund; and, therefore, he must come down by a process of natural selection to the Home Office and the Office of the Chief Secretary for Ireland. With regard to the Home Office, did the promotion of bye-elections enter into the question of the allocation of Secret Service money? No doubt, from the point of view of the Government of the day the gaining of a bye-election was a matter of interest, and in the absence of information he certainly did not see why the Home Office should not be suspected of such an application of the fund. Then there was no doubt that a considerable portion of the fund went into the Irish Department; and when they looked on the number of arrests, and the probability that those arrests were purchased for money down, Irish Members had an additional reason for demanding additional information. It was of no use that the Secretary to the Treasury got up in a state of virtuous excitement when he heard these accusations charged against the Irish Department, because that Department had used

the money unworthily, and would continue to do so until the connection between the two countries was severed. Under Ministers quite as Constitutional and quite as virtuous as the present Administration Secret Service money had been spent in Ireland in debauching public and private opinion, in the suborning of evidence, and in the entrapping of men by false charges. It did not follow that Gentlemen sitting in that House had any direct hand in transactions of this kind; but as long as every detail was kept back from public men, and as long as every clue was refused to the Representatives of the people, the Chiefs of Departments were exposed to the misuse of this fund by subordinates to which it was now necessary to refer more particularly. They had heard in previous Sessions of Parliament of Sergeant Talbot, the informer, probably rewarded out of the Secret Service Fund, who entrapped Irishmen by scores for the purpose of denouncing them and bringing them to judgment, even adding to the glee of the Chief Secretary of the day, who was regarded as a defender of the Constitution on the strength of the arrests made by Sergeant Talbot and his allies. Again, Mr. Porter, after his 10 years' service as magistrate in Dublin, stated in his reminiscences that one of the stock institutions of the Dublin Castle Administration in Ireland was the maintenance of a mock Court House, in which, before mock juries, the Constabulary witnesses were trained in giving the evidence which they would have to repeat when the real trial came on. In the house near Ship Street Barracks, there were juries, consisting of constables, barristers, informers, and a paid cross-examiner to examine the latter, so that they might have their catechism by heart when they came forward to swear away the lives of Irishmen afterwards. Now, all that must have cost something. The house near Ship Street Barracks was not obtained for nothing. Money must have been spent on the rent of it, and something more in the maintenance of the room which was the scene of that mock tribunal, as well as upon the mock jury and all engaged in the work of priming witnesses. By whom was that money paid? It could not have come out of the pockets of private individuals, because, not-

withstanding the affectation of self-sacrifice which persons of that sort were wont to display, no one had ever suspected that class of being profuse of their money in Ireland. The money must therefore have come from another source, and it was inevitable to conclude that it was from the Secret Service Fund, at the disposal of the Castle, that the mock trial, and all those scandalous proceedings, were paid for, which Mr. Porter had described in his reminiscences. There was the notorious fact that the Secret Service money, in the management of the Castle, had been spent for the most abominable objects—the forging of testimony, the maintenance of a system of terrorism by accusations and charges of every kind, and the swearing away of the lives and liberties of Irishmen, for the general purpose of keeping up a rotten system of government in Ireland. It did not occur to any Irish Member to accuse the right hon. Member for Bradford (Mr. W. E. Forster) of any participation in such proceedings—his innocence of Irish affairs being sufficient to exculpate him from that charge. But the work had gone on generation after generation, and he was certain it was going on at that moment. The compilation of the famous Circular reminded the Committee of the sort of work that was being done in Ireland. The Chief Secretary felt bound to defend that Circular; but he knew that in his heart of hearts he disapproved it.

THE CHAIRMAN: The hon. Member cannot discuss Circulars addressed to constables in Ireland upon the Vote for the Secret Service money.

MR. O'DONNELL said, he was alluding to the Circular in question as illustrative of the kind of objects on which Secret Service money in Ireland was expended; but if the Chairman thought this reference was out of Order, he would proceed no further with his observations upon that subject. He felt he had more than made out his case for an explanation on the part of the Government as to the allocation of the majority of the Secret Service money, which, he believed, was spent in Ireland. The demands made upon the Chief Secretary had been granted by him in the firm belief that they were required. Sub-inspectors, magistrates, informers, &c., had been paid; and he

should like a detailed statement of the amounts expended in maintaining the authority of the Crown in Ireland, an authority which was maintained by such detestable means as those employed.

MR. HEALY condemned the course adopted by the Government with respect to the Secret Service Funds, and asked, on behalf of himself and his Colleagues, not as pryers or busy bodies, but as the Representatives of a large section of the public, for some satisfactory information on the subject. He did not ask for details, but wished to know how much was spent in England and Ireland and abroad, so that they might be able to judge whether the application of the money was proportionate to the amount asked for. He did not think this was asking too much. He was glad to see the Home Secretary in his place when this important matter was before the Committee, for he felt sure the right hon. Gentleman knew a great deal about the allocation of this fund. They were accustomed to see the virtuous indignation of the Home Secretary; but that was surpassed by his placidity, when he calmly said he could give no information about this matter. He would ask the noble Lord to state whether the Foreign Office did draw upon this fund.

SIR WILLIAM HARCOURT said, that the precise object of the House in granting Secret Service money was that the manner in which it was employed should be kept secret. It was intended that there should be no clue whatever to its application; but the House intrusted the Government with this money, believing that they would not improperly employ it. To give the information asked for would be the first step towards destroying the secrecy of the fund. The Head of the Department was responsible for the proper disposal of this fund, and the Head of the Department expended the money secretly under a high sense of the responsibility vested in him by the House when it voted the money for this fund. j

MR. R. POWER regretted the absence of the support formerly accorded to the protest against this Vote by the hon. Member for Burnley (Mr. Rylands) and other hon. Members, who, by a curious accident, had been transferred to the other side of the House. The Home Secretary had misunderstood the

Mr. O'Donnell

opposition on this occasion. What they wanted to know was, how much of this money was spent in England, how much in Scotland, and how much in Ireland? He admitted that it was perfectly right for the Government, by a system of spies and informers, to demoralize other countries for the purpose of obtaining information; but he strongly objected to that system being carried on in Ireland, and to the people of his country being demoralized by the amount of Secret Service money which was spent there, when it was only granted for the purpose of obtaining information about foreign countries. They had reason to know what Secret Service money had done for Ireland. They knew the number of men whom it had made dishonest. They knew how it was worked. They had only to look back on the history of agitations in that country to see the way in which every public movement had been destroyed. He need only allude to a man who was referred to by the hon. Member for Dungarvan (Mr. O'Donnell)—that was Talbot. By professing his anxiety to sever the connection between England and Ireland, he had gained the confidence of the people in Ireland, and by taking the Sacrament of the Roman Catholic Church, and by tearing out of his Prayer Book the prayer for the Queen, he had convinced the people of his earnestness; and yet all the while he was receiving Secret Service money from the English Government. He (Mr. Power) challenged the Government to deny these things. He got the Secret Service money for doing these things; and, if anything were necessary to prove how badly this Secret Service system acted in Ireland, he had only to point to the speech made by the hon. Member for Carlisle, who said that in 1847 his father, Sir John Gray, who was intimate with the Young Ireland Party, became acquainted with Barney Malone, who was sanguine as to a rising being effected. He sought to induce Sir John Gray and others to join him; but, on looking through some papers, Sir John Gray found that Malone had been in the receipt of a pension since 1838, and that in 1848 he was doing some work which, but for the accidental discovery of these papers, might have entangled Sir John Gray and others. That was the state of things in 1848. Talbot's evidence had proved the way in which this money was

spent in 1867; and, for his own part, he believed that it was spent very much in the same way to-day. He believed there were informers all over Ireland. The Government knew reasonably suspected persons. They thought they had reasonable suspicion, and that they knew more about the movement in Ireland than the Irish people themselves knew; but he challenged the Chief Secretary to get up and say why he had proclaimed Waterford County and Waterford City, when they were declared by the Chairman of the county to be in a quiet condition.

THE CHAIRMAN: The hon. Member is going beyond the Question of the Secret Service Vote.

MR. R. POWER said, he did not think he was going beyond that question, because Secret Service money had a great deal to do with the proclamation of Waterford. But his principal objection to this Vote was that it created distrust in every official of the Government. The Government seemed to have no confidence in any portion of the people of Ireland, except the miserable wretches who crept into the Castle in Dublin and whispered into the ears of the Government information and statements which they dared not make in public—information and statements which the Chief Secretary would not dare to get up and make, because he knew that abundant proof could be brought that they were false. The Committee was asked to consent to vote this money; but for what? For men who made it their business—and a very good business it was from their point of view—to undermine the nationality of Ireland, and to send up false Reports to the Chief Secretary for Ireland, and who, in many instances, sent hundreds of men to prison, and sometimes even to the gallows. If the Chief Secretary could get up that night and state that he had taken the arbitrary course he had pursued—if he could get up and say that it was not from secret information that he proclaimed certain cities, or towns, or counties in Ireland, if he could get up and say that that was not the result of the Secret Service money, he would give the right hon. Gentleman credit for more courage than he had displayed on former occasions.

SIR R. ASSHETON CROSS: It seems to me that a great number of hon. Mem-

bers from Ireland object to Secret Service money being given at all, and on this ground—that they think part of this money is spent in Ireland, and that it is improperly spent. They have asked a great many questions of the right hon. Gentleman the Secretary of State and of the Chief Secretary. Those are questions which it would be impossible for any Government to answer. If you object to any Secret Service money being given, vote against it; but if the money is voted as Secret Service money, it is absolutely impossible for the Government to answer any questions upon it. And it is not whether it has been spent in this way or in that; but you cannot come to a general category as to whether it is spent and in what way, and thus nibble at the questions which Parliament says cannot be answered. If you cannot trust the Government, vote against the money; but it is absolutely impossible for the Government to give the slightest clue so long as it is voted as Secret Service money.

MR. ANDERSON objected to the Home Secretary's statement that Members voted for this money because they trusted the Government. He took exception to that description of hon. Members' motives for voting upon the question. He had always voted against it, and a great many other Members had voted against it, simply because they considered it a discreditable item in the finances of the country, and wished to see it disappear altogether from the Estimates. He believed he could name five or six Gentlemen who were now on the Treasury Bench who used to entertain that identical opinion, and voted against the money on former occasions. He agreed entirely with the intention of the Irish Members to vote against it, although he did not agree in their reasons for doing so.

MR. JUSTIN M'CARTHY said, he was not surprised that no information was obtained from the Government, for, of course, the very nature of Secret Service money was that it should be expended in secret; and he should like to know how the Government could carry on their present system in Ireland if the House knew how the money was spent? He did not think there was a statesman on the Treasury Bench with sufficient courage to defend the expenditure of some of this money. Probably the Mi-

nisters themselves did not know, and did not care to know, how it was expended. It was spent by the undertrappers, and only on rare occasions was the expenditure made known to the chief authorities. In 1848, it was proved in a Court of Law, on the trial of Smith O'Brien, that Secret Service money was deliberately given to men to induce them to become members of Smith O'Brien's organization, to represent themselves as ardent sympathizers, and to attend the meetings; and part of their plan was to urged the Young Ireland Confederation to change itself from an open Association to a secret Society for the promotion of revolution. One of the leading men in that shameful service had stated upon oath in Court that he rose to great favour with some of the younger men, and endeavoured to induce them to change their organization into a secret Association the better to prepare for armed rebellion, and that it was only through the advice of the leaders that his most odious purpose was not carried out. He stated that he did all he could to urge on rebellion, and mentioned the names of some young men whom he had gained over. He was paid for that out of the Secret Service money by the Government. Then there was the case in which the then Lord Lieutenant of Ireland employed one of the most infamous papers to write down the Irish patriots and to write up the cause of law and order in Ireland, and that was a paper which lived by levying black mail on private individuals, and making abominable charges against them if they did not pay. A leading Irish lawyer—afterwards, he believed, Lord Chancellor—was accused of most odious and infamous crimes because he refused to pay. When the Rebellion of 1848 came to an end, a man who professed to be a patriot went round among the young men who were known to have been sympathizers in the movement, in order to get up a sworn secret association for the purpose of rebellion. He succeeded in organizing a very considerable secret association, the members of which he swore in to join him at a given day in rebellion. He was a police spy paid from the Secret Service money; and he (Mr. M'CCarthy) thought he could hardly give stronger instances than that of the odious perversion of the funds by the Government to get up a rebellion.

Sir R. Assheton Cross

amongst young and inexperienced men for the purpose of crushing it. No doubt, very much the same thing had been going on ever since. Many other informers were known who, on many occasions, had not only watched what was taking place, but had taken part in the movement and fomented it. Such men were paid out of the Secret Service money. If these were not reasons enough to discredit the whole system in the eyes of the world, he knew of no reasons that could be brought to bear on the minds of human beings. They could not expect the Government to say what they gave these men to get up agitations, or to teach the police how to suspect their neighbours; but if they would state generally how much of this money was appropriated for the benefit of Ireland, even that information would make it more difficult to maintain that system by a Parliament which still claimed to be free.

Mr. LEAMY said, this Secret Service money was the only means by which the Government could maintain its supremacy over Ireland. The present Liberal Government placed more faith in the spy than in honest men; but he could not understand what objection there was to stating how much of the money was spent in Ireland. The Home Secretary said he could not give a clue; but suppose it were stated that £34,000 were spent in Ireland, how would that give any clue to the people who received it, or to its purpose? They who were acquainted with the whole history of the country knew very well how the money was spent. The informers were subsidized, and were living on blood-money, as they always had been, and they were the trusted servants of the Government. Malony, to whom allusion had been made, had, in 1848, been living on blood-money for 50 years, and leading men to the gallows. He did not care to know how this money was spent abroad. The present Government probably required to spend money in foreign countries, in order to overthrow a Power they could not meet in the field. But, surely, there could not be any objection to stating what was now asked. As long as the British Government ruled over Ireland there would, he supposed, be this Secret Service money on the Estimates; but the Irish Members would oppose it, and much

more strongly than hon. Members opposite seemed to think.

Mr. CALLAN said, it would be advisable for the Chief Secretary or the Home Secretary to make some statement as to the amount of money spent on these purposes in Ireland. He was one of those who were horrified the other day to read the statement which appeared in the London papers with regard to the bogus explosion business—he said “the bogus explosion business,” in the presence of the Home Secretary, advisedly. The affair seemed to have frightened the right hon. Gentleman (Sir William Harcourt), whose courage evidently was not to be measured by his inches. No doubt, the right hon. Gentleman considered himself the most courageous person in the House of Commons; but he (Mr. Callan) did not believe he would be impenetrable if wrapped up in cotton wool, or even in cement. In Ireland they were persuaded that the outrage was altogether a manufactured affair, for the purpose of creating a prejudice against the people of that country in the minds of the English people. But a great deal of the objectionable surroundings would be removed if they had an assurance from the right hon. Gentleman that none of the Secret Service money had been spent in America for the purpose of bringing about this mysterious business. The Irish people firmly believed that these outrages were paid for. It was believed that these attempts were a safe investment, and that the money came from England, and was not subscribed by the poor labourers and dairymaids of America. The English Secret Service money was a much safer nest to get the egg from than the pocket of the poor labourer or dairymaid. It would be satisfactory to hear that nothing had been paid for purposes of this kind out of the Secret Service money; and he should think it would be to the interest of the Home Secretary himself to deny that he had ever sanctioned the expenditure of money in Ireland or America for the purpose of getting up bogus outrages. He could not forget the case of the infamous informer Talbot, who went to a Catholic church and absolutely received the Sacrament in order to spy upon the people, and who was paid for so doing by the Chief Secretary. Why should it be thought that it was the

landed proprietors who had done that? There was nothing superior, as far as he could see, in a wool-stapler over a landlord—there was no superiority in the decaying trade of a wool-stapler over the decaying trade, in Ireland, of a landed proprietor. They had the case established of a constable receiving the Sacrament as a spy, and there was no reason why he should not have been employed by the Chief Secretary, and not the landed proprietors.

Mr. T. P. O'CONNOR said, this was not the first time the matter had been before the House. In 1879 there had been a Motion to reduce the Vote by £5,000, and in the division which took place there voted for the reduction—“Mr. Joseph Chamberlain, Mr. Leonard Henry Courtney, Sir Arthur Divett Hayter, Mr. John Holms, Mr. Osborne Morgan, Mr. Anthony John Mundella, Mr. George Otto Trelveyan,” and the Tellers for the Ayes were “Mr. Rylands and Sir Charles W. Dilke.” And in the interesting document in which he found these names so placed he failed to find amongst the Noes the name of the Home Secretary (Sir William Harcourt). [Sir WILLIAM HARCOURT: I was out of the House at the time.] One would have thought that a pillar of the Constitution like the right hon. Gentleman would have made it his duty to support the right hon. Gentleman who preceded him in Office in a matter of this kind. But he wished to know whether the President of the Board of Trade (Mr. Chamberlain), or the Secretary to the Admiralty (Mr. Trevelyan), or the Under Secretary of State for the Colonies (Mr. Courtney), would go with some hon. Members in opposing the Vote? With regard to the last mentioned hon. Member (Mr. Courtney), he did not know whether his convictions on this matter, as in regard to the Transvaal, were of an equally mutable character; but hon. Members had a right to ask whether he and his Colleagues who had gone into the Lobby against the Vote in 1879 were ready to swallow it now. He had listened to the speech of the right hon. Gentleman (Sir William Harcourt), and it appeared to him that the right hon. Gentleman had altogether wandered away from the question at issue. What he (Mr. T. P. O'Connor) wished to ask more particularly was this—whether any of this Secret Service money was spent on

elections in England? He did not state that such was the case on his own authority; but he heard it said, on very good authority, that Secret Service money, which was voted in the interest of the State and for the protection of the State, was actually spent at elections. He did not know whether it was spent by both Parties alike. [“No, no!”] Well, if it was not, or if his information upon the subject generally was erroneous, no doubt it would be denied by the Treasury. At any rate, he wished to be satisfied on the point. The noble Lord (Lord Frederick Cavendish) said he should not be appealed to for any information on this subject, as it had nothing to do with him; but, as a matter of fact, the Treasury had to give the money to the Heads of the Departments. The Treasury knew how much money it gave to the Heads of the Departments—the noble Lord knew very well how much the Home Secretary, for instance, had asked for. The noble Lord was one of the purse-bearers of the nation, and when the Home Secretary wanted money the noble Lord did not give him a blank cheque. He would give the right hon. Gentleman a certain sum of money, for which the right hon. Gentleman would certify; therefore, the noble Lord could tell them the exact amount which each Department received, if he thought proper. He saw the hon. Member for Burnley (Mr. Rylands) was not in his place, and some hon. Members were inclined to regret that circumstance; but, as far as he (Mr. T. P. O'Connor) was concerned, he did not regret it, as he believed the hon. Member, if he had been present, would have opposed the Vote on grounds utterly fallacious. He (Mr. T. P. O'Connor) did not oppose it on the grounds stated by the hon. Member for Glasgow (Mr. Anderson); he believed that some of that Secret Service money was absolutely necessary. [An hon. MEMBER: There is none spent in America.] Well, he did not know whether or not there was any spent in America, but perhaps America might be able to do without it, as the form of government in America was infinitely better than that in this country. In England, however, they could not do altogether without Secret Service money, as it was part of the paraphernalia of Monarchical government. He (Mr. T. P. O'Connor) could not support the abolition of

the Vote, as he did not believe in the visionary schemes which had been referred to by hon. and right hon. Gentlemen. He had a right to ask whether any of that money was spent in Ireland, especially as they knew perfectly well that there was no necessity for the expenditure of a penny of it in that country. Every penny of it spent in Ireland was used dishonestly. No doubt, it was a ridiculous thing to ask the Home Secretary how the money was spent; the right hon. Gentleman was at the head of a Department that had a most serious and perilous responsibility attaching to it, and it would be preposterous for them to demand that he should open to the public eye the secrets—the necessary secrets—of his Office. But he (Mr. T. P. O'Connor) defied any Minister to get up and say that he could spend a penny of Secret Service money in Ireland for an honest and legitimate purpose. If they could not establish the fact that Secret Service money was necessary in that country, then they had a right to affirm the alternative proposition—namely, that none of the money should be spent there. Would the Chief Secretary get up and tell them that he did not spend a penny of Secret Service money in Ireland? He (Mr. T. P. O'Connor) should not go into the Lobby against the Vote for Secret Service money on general principles. Though he could not support the Vote, he, at any rate, would not go into the Lobby against it.

MR. LEAMY said, that as they had not received the assurance they demanded from the right hon. Gentleman, and also considering the lateness of the hour, he should move that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Leamy.*)

SIR WILLIAM HARCOURT: The hon. Member opposite (Mr. T. P. O'Connor) has put a question to me which ought to be answered—he has asked whether any of the Secret Service money is spent upon elections. I answer that query in the negative. I quite understand the objection some people may have, on general principles, to the voting of Secret Service money. The hon. Gentleman who spoke last but one said that he objected to Secret Service money being

spent in Ireland; but that matter has already been discussed in this House, and, therefore, I hope that we shall now be allowed to go to a division. The hon. Member who next spoke moved to report Progress, because no answer had been given to the question; but he must remember that, earlier in the debate, I gave my reasons why I could not answer such a question. The Secret Service money is a Vote on which, from its very nature, no explanation can be given; therefore, no amount of reporting Progress or obstructive divisions will have the effect desired by hon. Members. Either this Secret Service Vote is right or it is wrong. If it is wrong, then vote against it; but if it is right, it is impossible for the Government to give any explanation as to the amount spent by each Department, or as to the places or the manner in which it is spent. I hope, under the circumstances, hon. Members having fully stated their grievances, we may now be allowed to go to a division.

MR. GORST said, that after what had fallen from the right hon. Gentleman he had no doubt that no part of the Secret Service money which was spent in connection with his Department was spent upon elections; but did the right hon. Gentleman know how that portion of the Secret Service money which was not spent in the Department over which he presided was allocated? If the right hon. Gentleman did, then he (Mr. Gorst) was perfectly satisfied; but if he did not know how much was spent in other Departments, perhaps the Secretary to the Treasury would get up and give them an assurance, as the right hon. Gentleman had done, that no part of the Secret Service money was devoted to election expenses?

LORD FREDERICK CAVENDISH said, that the whole of the allotment was under the direction of the Chancellor of the Exchequer.

SIR WILLIAM HARCOURT: I am very much surprised that the hon. and learned Gentleman (Mr. Gorst), whom I should have thought knows as much about elections as anyone, should have asked this question. I should have thought that he would have been able to speak of the practice of the late Government on this matter. For the present Government, however, I will take upon myself the responsibility of saying that in none of the Departments is any

Secret Service money spent upon elections. I will go further than that, and say that for many years in this country no Administration has ever spent a single farthing of this money on elections.

MR. ARTHUR O'CONNOR appealed to his hon. Friend (Mr. Leamy) to withdraw his Motion for reporting Progress. They had elicited this fact from the Government, that not only was some of the Secret Service money spent abroad, but some of it was spent at home. That, in fact, appeared from the very words of the Vote itself—"foreign and other Secret Service money." On former occasions they had heard that a portion of the money was spent in Ireland. The Government was able to deny that any of it was spent on electioneering; but if that were so, they had all the more money to spend on purposes, perhaps, even worse than electioneering. The right hon. Gentleman said the Treasury knew nothing about the way in which the money was allocated; but, from the document he had in his hand, it seemed that the head under which these payments would be accounted for was the Treasury. Hon. Members had, therefore, naturally addressed queries to the Treasury; but having made the protest which they had made, he thought it was hardly necessary to delay going to the division which must be taken on the Vote. In the division they would be able to judge of the sincerity of certain Members of the Government who, while out of Office, went into the Lobby against the Vote, but who, now that their Party were in Office, would vote in favour of it. The division would be an interesting one, and he could only regret that the Chief Secretary, after sitting in his place and hearing, over and over again, as he had done, most distinct and pointed charges against the Department over which he presided, thought it consistent with his self-respect, and with a proper discharge of the duties of his Office, to sit in silence, and to admit, by his tacit and silent demeanour, that there was really no answer to be made.

MR. W. E. FORSTER: I hope the Committee will not suppose for a moment that I admit any one of these charges.

MR. R. POWER said, the hon. Member (Mr. Leamy) ought to withdraw his proposal on one condition—namely, that

the Chief Secretary for Ireland would state how much of this Secret Service money was spent in Ireland. As Irish Representatives, they had a distinct right to know that; and unless they obtained the necessary information, they were quite justified in opposing the Vote by every means in their power.

MR. O'CONNOR POWER said, that during the various discussions that had taken place on this Vote he had been glad to notice that a large number of English Members had alternated with Irish Members in protesting against it. He did not know whether the Home Secretary would appeal to them to have confidence in the Government, seeing that there were so many distinguished Members of the House who opposed the expenditure of this money by the late Government in the present Administration. He supposed it would be argued that now the Government were strengthened by having these Gentlemen in it, there was every guarantee that the Secret Service money would not be expended upon any of the odious purposes upon which it used to be spent. He had been puzzling his brains to find out on what ground right hon. and hon. Gentlemen opposite would defend their change of front. Although there was some ground for confidence in having these Gentlemen in the Government, those who were still independent Members of the House were not exempted from the duty of protesting against this Vote on certain grounds. It had always seemed to him that a Minister rising to address the Committee on this Vote would do some public service by giving some assurance that the money would not be applied to any of the purposes which had been named from time to time by hon. Gentlemen who had complained of the use of the Secret Service money. The hon. Member for Longford (Mr. Justin M'Carthy), he thought, was strictly accurate in every one of the statements he had made to-night in reference to the action of those charged with the government of Ireland in past times in reference to the employment of a Vote of this kind. But the question immediately before them was the question of reporting Progress. He thought if they took a division on this Motion, the strength of the opposition to this Vote would not sufficiently appear. He was not sure whether the hon. Member

Glasgow (Mr. Anderson), and the Scotch and English Members who with the Irish Members, would proposed to vote with them on the Motion of reporting Progress; and, as he was a very fair and straightforward man, he should be inclined to say that as a matter of policy, it would be better to withdraw the Motion for reporting Progress, and take a division on the Motion in Question.

HEALY trusted his hon. Friend would not proceed with his Motion to report Progress, as the Committee was perfectly prepared to take a division on the Motion. He could not join with his hon. Friend the Member for the City of Glasgow (Mr. T. P. O'Connor) in reporting over the fact that none of this money, if spent at all, was spent upon the poor. If it was not spent upon the poor, they might rest assured that it was spent for much more discreditable purposes.

Division put, and *negatived*.

Final Question put.

Committee divided:—Ayes 83; Noes 17: Majority 66.—(Div. List, 18.)

Resolutions to be reported *To-morrow*.

Committee to sit again *To-morrow*.

PETROLEUM (HAWKING) BILL.—[Lords.]

(Mr. Courtney.)

[BILL 222.] COMMITTEE.

[Progress 29th July.]

Bill considered in Committee.

(In the Committee.)

Clause 2 (Regulations for hawking petroleum).

Question proposed, "That the Clause be read a second time as part of the Bill."

MR. WHITLEY said, that the question of allowing pedlars to carry petroleum about in carts had become a very serious matter in all the large towns. They were not able to carry petroleum about in carts, and to carry on their business open to the shops of tradespeople dealing in the same article; and so great had the outcry against this become that he had been asked to introduce a Bill compelling those people to desist from that trade. It was very injurious to trades-

people who had to pay heavy rates and taxes; but this Bill proposed to legalize what these pedlars could not now do. These people could only be dealt with by prosecutions for obstruction in the streets; but tradespeople knew that that was an impracticable way of dealing with them. This Bill proposed to extend the provisions of the Hawker's Bill, and allow the hawkers to carry a dangerous commodity through the streets of towns and villages; but he should like to know in whose interest the Bill was promoted? He understood the hon. Gentleman to say that it was in the interest of the poor; but he could assure the hon. Gentleman that nothing could be more detrimental to the interests of that class who had suffered from depression of trade, and who were tradespeople, and he thought those were the people to whom sympathy was due. He could not conceive any class of poor people who were benefited. No one could have greater sympathy with the poor than he had, but he could not see for whose interest this Bill was promoted. He hoped some information would be given as to who the promoters were, and that hon. Members who represented large boroughs would look closely into the provisions of the Bill, which was calculated to do a great deal of harm.

THE CHAIRMAN: I must point out that this is not the second reading of the Bill.

MR. COURTNEY said, the hon. Member had strangely misconceived the purport of the Bill. He seemed to oppose it as though it were a question between hawkers and non-hawkers, and as if it would increase hawking; but it had nothing at all of that character. It did not in any way interfere with the issue of licences or the restrictions applying to hawking. It simply dealt with the hawking of petroleum and not with the licences. No one not otherwise licensed to hawk would be able to hawk under this Bill. It did no more than allow a licensed hawker, having a licence to keep petroleum, to hawk it. The hawking of petroleum went on now; and if the hon. Gentleman had any acquaintance with the rural life of England, and the convenience of hawking petroleum from door to door, he would see that the Bill dealt with the convenience of the poor in the country. By this Bill it was proposed that any person who was licensed

to deal in petroleum might, under certain prescribed conditions, hawk it.

MR. WARTON urged that it was not safe to allow people to hawk petroleum, and he would ask hon. Members to consider what would be the result of any damage to a vessel containing 10 gallons of petroleum. He would remind the Committee of the terrible accident which had occurred in Wales some years ago, when a Peer of the Realm and other persons of less consequence were burnt to death; and if such an accident could occur on a railway with all the care taken by railway officials, how could it be said that such an accident would not occur to petroleum hawked about the streets? He begged to move that Progress be reported.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Warton.)

The Committee divided:—Ayes 3; Noes 70: Majority 67.—(Div. List, No. 349.)

Clause agreed to.

Clause 3 (Modification of regulations by Secretary of State).

MR. COURTNEY explained that this clause proposed to empower the Secretary of State to alter, repeal, or vary regulations laid down by the Act; but he proposed to move an Amendment by which such alterations should be laid before Parliament before becoming law. The desirability must be recognized of relieving the House of the necessity for entering into matters of detail; and he thought the objections which had been raised to this clause would be removed by his Amendment.

Amendment proposed, in page 3, line 8, at end, insert as a separate paragraph,—

"Every such regulation shall be laid before both Houses of Parliament forthwith after it is made if Parliament be then sitting, and, if not, within seven days after the then next Session of Parliament.

"If within forty days after any such regulation has been laid before Parliament either House of Parliament resolves that such regulation should be annulled, the same shall thenceforth become void without prejudice to anything done in the meanwhile in pursuance thereof."—(Mr. Courtney.)

Question proposed, "That those words be there added."

Mr. Courtney

MR. HOPWOOD said, he thought the proposed Amendment itself required amending. It proposed that the regulations should be laid before Parliament forthwith, if Parliament was sitting, and, if not, within seven days after the then next Session of Parliament. That would mean in the Recess. The words should read—"after the commencement of." He was still resolute against the clause, and exceedingly sorry that at that hour in the morning they should have to consider what he regarded as a matter of great significance with regard to legislation. He did not at all agree that the House should abdicate its functions and allow a Secretary of State to exercise them. It was a dangerous doctrine to propound; and dangerous to pass this clause suggested by the growing tendency on the part of Departments to gain extraordinary powers, and so avoid the vigilance of Parliament. This affected a large class of very useful men; they were, in fact, costermongers of petroleum, carrying the article about the country. These men carried petroleum in the country from cottage to cottage, nearly all of which were lighted by it. The hawkers carried on the business with benefit to the community, and were, he thought, in every way to be encouraged rather than suppressed. A case had been made out for supervising the hawking by these men of this rather dangerous material, and the Bill which had been prepared set forth the different regulations which were to be observed. The provisions were drawn with some care, but had been rendered wide and vague in order that there might be no case which would escape the general power of the magistrates to say whether or not a person against whom a charge might be brought was guilty of negligence in the conveyance of this material. The hon. Gentleman (Mr. Courtney) advocated in Committee the retention of a clause of this sort—a clause which would enable one of Her Majesty's Secretaries of State, from time to time, to make, or, when made, to alter, repeal, or add to regulations for the purpose of rescinding, altering, or adding to regulations contained in the Bill with respect to hawking petroleum. The regulations contained in the Act would be part of the law of the land, and the penalty for

making them would be a maximum of . . . By this clause it was proposed to . . . just the Secretary of State with authority to repeal, or abolish, or alter part of . . . Act of Parliament. What was the use, . . . of specifying any of those things . . . when he was to be empowered to do? . . . Why should they not say simply—"Be enacted that the Secretary of State . . . declare what the law shall be with . . . regard to the hawking of petroleum?" . . . hon. Gentleman (Mr. Courtney), . . . was repentant rather late, seemed . . . to see that this was objectionable, and . . . strove to disarm criticism by say- . . . ing that when the Secretary of State . . . passed new regulations they should . . . be laid on the Table of the House, and . . . come into force until the expiration . . . of 40 days. After they had been on the . . . Table for 40 days, and no objection was . . . made to them, they would become law; . . . but that an Act of Parliament might be . . . made to repeal, unless there was a pro- . . . vision made within 40 days. The Secre- . . . tary of State would be empowered to . . . continue the Act up to, say, next Feb- . . . ruary, and he might then choose to . . . amend or repeal the main part of . . . the Act and substitute something else. It . . . might then wait for some time until it . . . could receive the tacit sanction of Par- . . . liament; but the moment that he made . . . new regulations the hawker of petroleum . . . might be prosecuted for any breach of . . . the law without knowing of the change. . . . Of course, it would be said that, under . . . such circumstances, magistrates would . . . convict; but magistrates were some- . . . times misled away by evidence that was not . . . very reliable, and they sometimes were . . . of opinion that a defendant was not . . . telling the truth, and this especially . . . when he said he did not know the state . . . of the law. It would be best to have . . . the law contained in a Statute Book, so . . . that the hawker might have resort to it, . . . and his legal adviser might know where . . . to find it. He (Mr. Hopwood) objected . . . to giving a Secretary of State, however . . . eminent he might be, power to alter or . . . amend a law. These things always re- . . . minded themselves into this. Some official . . . suggested a certain course to the Secre- . . . tary of State, and the Secretary of State, . . . if he was, perhaps, overworked, would . . . run his eye over the proposal to . . . see if he could agree to it. If there . . . was nothing very objectionable to his . . . mind in it, it received his sanction.

That was not the way in which they should proceed. If the Act, after it was passed, required amendment, an Amending Bill should be brought in and passed.

MR. BROADHURST said, he hoped the hon. Gentleman (Mr. Courtney) would see fit to withdraw this clause. The power given to the Secretary of State to make rules and regulations was a very serious matter, especially on a question of this kind. Under the powers of this clause, the hawking trade of these poor people might be absolutely ruined at the will of the Home Office. Let them, for instance, suppose that a change of Government took place, and the hon. Member for Liverpool (Mr. Whitely) was appointed to the Office held by the hon. Member (Mr. Courtney.) He, in the interest of his friends, the aristocratic shopkeepers, would propose at once to annihilate the hawking trade. He (Mr. Broadhurst) was, therefore, considerably alarmed at the proposal of the Government, after the speech of the hon. Member for Liverpool. The fact was, that London would be absolutely starved within a single week if they put a stop to street-hawking. He had in his pocket a letter on this subject from a man at Greenwich, and he regretted very much that neither of this person's Representatives were in their place to look after his interests. The writer said that he had been in the oil trade for eight years, and mainly looked upon that for providing a living for his family, and paying the rent and rates of his shop. He declared that if these extraordinary powers were given to the Department to interfere with his trade it might ruin him. He (Mr. Broadhurst) hoped the Committee would take particular notice of the appeal that had been made on behalf of the large shopkeepers. These people were constantly harassing the costermongers in all their large towns, although the costermongers were a class who made food possible to the poor by bringing it to their doors. The costermongers were constantly being persecuted by these large and, very often, uncivil and high-priced shopkeepers. Whatever the Committee did, he appealed to it to protect, as far as possible, not only the immediate but the future interests of these hard-working and deserving hawkers of food and other necessities of life in their large towns.

MR. DILLWYN said, he looked with great jealousy upon the proposal now made by the Under Secretary of State for the Home Department, who told them it was desirable to place this large power of making regulations in the hands of the Executive. No doubt, the hon. Member would say there was a precedent for giving that power to the Government. He might say that the Executive had power to regulate the sale of gunpowder; but the two cases were not parallel, inasmuch as gunpowder was in the hands of a very few persons, and was not hawked about the streets, whilst petroleum was used by very nearly everyone, and was taken from door to door for the convenience of the public. He thought the dispensing power which the hon. Member sought to obtain was objectionable, and ought not to be sanctioned by the Committee. In his Amendment the hon. Gentleman proposed that the rules should be laid on the Table of Parliament, and unless objected to within 40 days, should become law; but they all knew, in a Session such as the present, for instance, what difficulties a private Member experienced in bringing forward a Motion, and in getting a question decided. It might be impossible for any step to be taken within 40 days. As the Government would be in favour of the rules they proposed, it could not be expected, if any Member took exception to them, that they would put themselves out of the way to give him an opportunity of making his objection, so that, as he had said, a private Member would have very little chance of bringing forward his case within 40 days. There was a very strong objection to this proposal on the part of many hon. Members, and he earnestly hoped that the hon. Member (Mr. Courtney), who had already objected to certain modifications suggested in the 2nd clause, would make a concession in the present case. He (Mr. Dillwyn) had accepted the hon. Member's verdict with regard to the 2nd clause; but he trusted the hon. Member would himself give way on the point under discussion, yielding to the very strong feeling expressed on every side of the House.

SIR HENRY HOLLAND said, he agreed in the hope that the hon. Member would withdraw the proposal. The result of adopting it might lead to hardships amongst a poor and useful class.

They were dealing with men of a very different class to those affected by the Explosives Act. The proposal affected poor men in a small way of business, who were very useful to a large portion of the community, especially in country districts. If it were accepted, the Secretary of State might make some new regulation; a hawker, without knowing it, might infringe that regulation, and his trade might be immediately stopped. It might be stopped until Parliament met again, and probably for 40 days after Parliament had met, and possibly much longer, because, as had been pointed out, a private Member would experience considerable difficulty in bringing on the question within the specified 40 days. The poor man might, in the meantime, be absolutely ruined, because they would take away from him the power of dealing in petroleum and carrying it about from house to house. He trusted the Under Secretary of State for the Home Department would see his way to withdrawing the proposition.

MR. COURTNEY said, that whilst he must confess he did not agree with many Members of the Committee upon these matters, he could not disguise from himself the fact that the clause was very powerfully opposed. The hon. Member for Swansea (Mr. Dillwyn) seemed to object to the Executive Government having power to administer the details of a measure, and the Committee evidently was insufficiently advanced to accept that doctrine. He would withdraw the Amendment.

Amendment, by leave, *withdrawn*.

Clause *negatived*.

Clauses 4 and 5 *agreed to*.

Clause 6 (Definitions).

MR. WHITLEY said, there was a reference made here to the Hawkers' and Pedlars' Act, and he wished to know why only persons hawking petroleum should be allowed to use carriages in their trade? He believed he was correct in saying that in the town of Brighton there were no hawkers at all. The hawking nuisance had risen to such a pitch that the Town Council took means to put a stop to all hawking in the streets. The rich shopkeepers—in spite of what an hon. Member had said—cared nothing at all about it. It was now proposed by a side-wind to give

roleum hawkers a power which no other class of hawkers possessed. If it desirable to let hawkers generally carriages, well and good; but it seemed to him highly objectionable that roleum hawkers alone should be allowed to have this power. He had occasion, very often indeed, as a magistrate, to hear cases against hawkers, and he knew fines to have been over and over again levied upon them for carrying on their trade contrary to the Acts of Parliament. It seemed to him that it would be unwise to allow the clause to pass.

MR. C. H. JAMES said, the Bill seemed to him to be a most reasonable one in every respect, except Clause 3, which they had just struck out. If Clause 6 were struck out half the utility of the measure would be done away with. He had seen petroleum hawked about the streets, and he could assure the Committee it was not carried about in great carts, but in cans fixed upon wheels, just as milk was carried from door to door. If they did not allow it to be taken about in that way it would be necessary for parents to send out children, perhaps 10 or 12 years of age, or a younger, with bottles or small tins for this dangerous material; and mainly that would be much more objectionable than the course proposed by the clause.

Clause agreed to.

Clause 7 agreed to.

Bill reported; as amended, to be considered To-morrow.

WILD BIRDS PROTECTION ACT (1880) AMENDMENT BILL—[Lords.]

(Mr. Courtney.)

[BILL 226.] CONSIDERATION.

Bill, as amended, considered.

MR. DAVID WEDDERBURN said, he had a new clause to propose for the section of *bond fide* naturalists and collectors of birds. He thought it only proper that some distinction should be drawn between these persons and the people who destroyed birds illegally out of season when they were helpless and helplessly destroyed. That part of the year in which birds were most worth preserving was the spring, and that was the

period of the year when they were not allowed to be taken or killed. According to the existing law, a collector of birds, private amateur, or a representative of a museum, could not take birds as specimens without incurring serious penalties. What he proposed was that the Court, before whom a person was brought up and charged with destroying birds out of season, should have a discretionary power in a matter of conviction. If it could be shown that the birds had been taken for preservation in an ornithological collection or museum, the Court should be able to excuse them. In other countries where wild birds were protected the Minister of the Interior himself had power to exempt from the operation of the law persons taking birds for scientific purposes; but after what had just taken place in regard to the Petroleum (Hawking) Bill, he would not propose that method of dealing with the subject in this country.

New Clause to follow Clause 1 —

(Reservation in case of birds killed for scientific purposes.)

"A person shall not be liable to be convicted under 'The Wild Birds Protection Act, 1880,' if he satisfies the Court before whom he is charged that any wild birds which he has killed and offered for sale are intended *bond fide* for preservation in an ornithological collection or museum."—(Sir David Wedderburn.)

Clause brought up, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. COURTNEY said, that he had had every desire to meet the hon. Member for Haddington (Sir David Wedderburn), but he found it quite impossible to do so. If the clause were accepted, the whole Bill would be shattered, because it would be impossible to prove what the intention of a person was when he took birds when brought up before the magistrates. Nor was the clause necessary. A *bond fide* ornithologist, when taken before the magistrates, would be able to say that he was in pursuit of scientific knowledge, and, under the power of the Summary Jurisdiction Act, the magistrates would be able to dismiss the case if they believed him.

MR. THOMASSON trusted that the Amendment would not be accepted.

Question put, and *negatived*.

MR. ROUND said, he rose to move the omission of Clause 2 from the Bill, and what he had to say on the matter he should say as shortly as possible. The clause proposed the insertion of the lark in the Schedule of the "Wild Birds Act, 1880," and he submitted that it was quite unnecessary to include that bird in the special protection provided by the Schedule. He was as much a friend of the lark as any Member of that House; but he thought it quite unnecessary to provide this special protection for it—a penalty of 5*s.* being, in his opinion, sufficient for the purpose. Everyone knew that it was difficult to find larks' nests in the spring of the year, the nature of the ground at that time providing ample cover; and if there was any diminution in the number of larks, he thought it was owing to the severe winters they had had during the last three years. They ought to endeavour to carry public opinion with them in this sort of legislation; and as it was a fact that at certain seasons of the year larks pulled up sprouting corn, if this bird were included in the Schedule, it would make the Bill more unpopular than it was now in the eyes of those people it would mostly concern. This was not the time to introduce new matter into the Schedule. As had been pointed out, the Act of last year gave protection to nearly all wild birds, including the lark, and the present was merely a Declaratory Bill, explaining the construction of a particular clause in the Act of last year which appeared to be of doubtful character; but this new matter, he submitted, ought not to be brought before the House. For those reasons he moved the omission of the clause.

Amendment proposed, in page 2, to leave out Clause 2.—(*Mr. Round.*)

Question proposed, "That Clause 2 stand part of the Bill."

MR. DILLWYN said, he was as fond of larks as the hon. Member who had just spoken; but he had long felt that severe penalties were not the best way of preserving birds. He regretted that in "another place" several small birds had been added to the Schedule. Penalties should be imposed for valuable birds, and not for small birds, and he thought larks were far more likely to be protected under the Bill as it previously

stood than by severe penalties. For that reason he hoped the alterations made in "another place" would be omitted.

MR. BROADHURST said, he hoped the lark would not be omitted, for he had an affection for that bird, and he would not bow to the opinion of the hon. Member who made the Motion. With regard to larks' nests, in his opinion the lark's nest was very easy to find, and he had never failed to discover a lark's nest whenever he wanted one. It was only necessary to watch where the lark rose and to see where he settled, for the lark always settled within 20 yards of its nest. The lark was one of the most beautiful wild birds, and was becoming scarcer every year, and he hoped that the House would protect it.

MR. COURTNEY confessed that he had no feeling one way or the other as to the lark, and whether it was included in the Schedule or omitted appeared to him a perfectly open question. But what he had heard privately or in the other House inclined him to adhere to the Act of last Session; and, although he would wish to be respectful to the other House, on the whole he thought it would be better to keep to the original form of this clause.

Question put.

The House *divided*:—Ayes 29; Noes 25: Majority 4.—(Div. List, No. 350.)

Bill read the third time, and *passed*.

SAVINGS BANKS AND POST OFFICE SAVINGS BANKS, AND SECURITIES IN CHANCERY DIVISION.—REPORT.—NATIONAL DEBT BILL.

FIRST READING.

Resolutions [August 1] *reported*.

MR. ANDERSON observed, that on the previous night the noble Lord (Lord Frederick Cavendish) had said that the House was not taken by surprise in regard to this matter, because the Prime Minister had announced the measure in his Budget speech. That was perfectly accurate as regarded the matter of the Prime Minister's speech, but not as regarded the spirit of that speech. The Prime Minister, no doubt, did sketch his scheme in his Budget speech; but he promised not to place it before the House for its practical judgment until after the Budget; and on the 29th of

April, in reply to the right hon. and gallant Member for Wigtown Burghs (Sir John Hay), he said he did not intend to bring this scheme in until the Budget was out of the way, and that the necessary information would be in the hands of Members before that time. The Budget Bill was out of the way by the 31st of May, and when the Prime Minister said he would not introduce this scheme until after the Budget Bill was out of the way, that was equivalent to saying that he would bring it in then, or soon after; but it never could be held that the Prime Minister meant not only that the House should wait till the Budget Bill was out of the way, but that they should also wait till the last days of the Session, when half the Members were away, before having the scheme before them. He, therefore, thought the House had been more or less taken by surprise, and the country had had no opportunity of considering the measure in any way. The Prime Minister held out the hope that it would be brought forward and the necessary information given in time for it to be considered, but it was not known that the proposal was to impose £2,000,000 of taxation on the country for 21 years. He believed the country would wish to oppose the scheme; but it was no use opposing it now; and if the Government were determined to carry it through, he could only enter his protest against it.

Resolutions agreed to :—Bill ordered to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Lord FREDERICK CAVENTISH.

Bill presented, and read the first time. [Bill 236.]

EAST INDIAN LOANS, ANNUITIES, &C.— INDIAN LOAN OF 1879 BILL.

Resolutions [August 1] reported, and *agreed to* :—Bill ordered to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Lord FREDERICK CAVENTISH.

Bill presented, and read the first time. [Bill 237.]

CORRUPT PRACTICES (SUSPENSION OF ELECTIONS) BILL.

On Motion of Mr. ATTORNEY GENERAL, Bill to suspend for a limited period, on account of Corrupt Practices, the holding of an Election of a Member or Members to serve in Parliament for certain Cities and Boroughs, ordered to be brought in by Mr. ATTORNEY GENERAL, Secretary Sir WILLIAM HARCOURT, and Mr. SOLICITOR GENERAL.

Bill presented, and read the first time. [Bill 238.]

House adjourned at a quarter after Three o'clock.

HOUSE OF LORDS,

Wednesday, 3rd August, 1881.

The House met;—And having gone through the Business on the Paper, without debate—

House adjourned at a quarter past One o'clock, till To-morrow, Four o'clock.

HOUSE OF COMMONS,

Wednesday, 3rd August, 1881.

MINUTES.]—SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES, Class II.—SALARIES AND EXPENSES OF CIVIL DEPARTMENTS.

Resolutions [August 2] reported.

PUBLIC BILLS—*Select Committee—Report*—Poor Relief and Audit of Accounts (Scotland) [No. 373].

Withdrawn—Ballot Act Continuance and Amendment* [2]; Church Patronage (No. 2)* [175].

QUESTION.

SOUTH AFRICA—THE TRANSVAAL— THE CONVENTION WITH THE BOERS.

SIR HENRY TYLER asked the First Lord of the Treasury, to be so good as to furnish the House with the latest information he possesses in regard to the Convention signed with the hostile Boers in the Transvaal; and also to state in particular, what guarantee or security is afforded for the carrying out of the stipulations made on behalf of the Boers; by what tribunal the damages occasioned by the action of the Boers will be assessed, and what security there is for their payment; and where it is intended that the British Resident for the Transvaal will reside, what will be his duties, and how he will, in the event of his becoming unpopular, be protected?

MR. GLADSTONE: Sir, the Convention with the Boer Leaders has not been signed; but it is on its way to signature, and, so far as I know, substantial arrange-

ments for that purpose have been made. The Convention will probably be signed within a few days, and it will be laid upon the Table as soon as the Government are in possession of it in a complete form. It will have to be ratified, in order to make it binding, by the Volksraad or Court of Assembly on the part of the people, which will at once be elected, and every security will be taken to make the Convention completely binding on the great mass of the people. The compensation referred to in the hon. Member's Question will be assessed by a sub-Commission, consisting of the British Resident and two Judges of the Transvaal Supreme Court; or, failing the Judges, by two other persons, who will be appointed by Her Majesty's High Commissioner. With respect to the last branch of the Question, I have to say that the British Resident will reside at Pretoria, or, from time to time, at any other convenient place, and his functions will be defined by the High Commissioner. That being so, it is better that I should not attempt to give an account of them verbally, more especially as I hope the Papers will soon be in the hands of hon. Members. With regard to the security of the British Resident, the Government have no more doubt upon that point than they have as to the security of any British Consul or Ambassador to any foreign country, and no special arrangements for his protection are contemplated.

MOTION.

PARLIAMENT—PRIVILEGE (MR. BRADLAUGH).

RESOLUTION.

MR. LABOUCHERE: I rise, Sir, on a question of Privilege. I was standing in the Lobby just now, when I saw Mr. Bradlaugh, a duly elected Member of this House, come into the Lobby. He attempted to go into the House. He said he considered he had a right to do so, derived from his being an elected Member of this House. He was then hurried out of the Lobby by the officials of the House; and I am given to understand that he is not to be allowed to re-enter the Lobby. On the 10th of May the following Resolution was passed by this House:—

Mr. Gladstone

"That the 'Serjeant at Arms do remove Bradlaugh from the House until he shall express no further to disturb the proceedings of the House."

That Resolution was moved by the hon. Gentleman the Member for North Devon (Sir Stafford Northcote), and will be in the recollection of the hon. Gentleman that I asked him if it would be good enough to explain what he meant by "the House." The hon. Gentleman said—

"I, therefore, by my Motion, proposed Mr. Bradlaugh shall be excluded from the House—that is, that he shall not come within the door that is kept by the doorkeepers, unless he shall undertake to the Speaker that he will not disturb the proceedings of the House."—[3 *Hansard*, col. 182.]

Of course, that excludes Mr. Bradlaugh from coming within these doors; but I apprehend that it does not exclude Mr. Bradlaugh from coming within the Lobby at the other side of the door, so, that, in order to prevent him from doing so, it would be necessary that a Resolution should be passed by the House. Of course, Sir, you will perceive that it is my duty to do all that I possibly can for my constituents in this matter, and I do not wish to do anything that will be out of Order.

MR. SPEAKER: I presume the hon. Member will conclude with a Motion otherwise he will not be in Order.

MR. LABOUCHERE: Yes, Sir, I will conclude with a Motion; but I wish to keep to the Rules of the House, and I wish to know if I can conclude with the following Motion? If not, I will substitute another:—

"That, in the opinion of this House, the Resolution of the House passed 10th May 1880, 'that the Serjeant at Arms do remove Mr. Bradlaugh from the House until he shall engage not further to disturb the proceedings of the House' meant that Mr. Bradlaugh should not enter within the outer door of this Chamber, and should not give any power to the Serjeant at Arms to hinder him from entering and remaining in any other portions of this edifice; and therefore, the Serjeant at Arms and the officials of the House acting under him, in excluding Mr. Bradlaugh from such other portions of this edifice, acted without the authority of the House, and in so doing interfered with the privileges inherent in Membership of this House, and from which no Member can be deprived without a Resolution of this House having effect."

I ask whether, under the circumstances, that is a matter of Privilege?

MR. SPEAKER: The hon. Member will proceed.

MR. LABOUCHERE: Under these circumstances, I will move this Resolution. I am not entering into the question whether it would be the view of the House that Mr. Bradlaugh, having attempted to come within the door, should be forbidden to come within the precincts of the House; but I apprehend statement has been made on behalf of the Serjeant-at-Arms to the House of what has transpired just now within the Lobby, or as to whether it is the intention of the Serjeant-at-Arms and the officers to exclude Mr. Bradlaugh henceforward from the Lobby. I venture respectfully to contend that the Serjeant-at-Arms cannot do that without a Resolution of the House. I, therefore, beg propose the Resolution which I have just read.

MR. SPEAKER: Before putting the resolution to the House, it is right that I should state that, by a Resolution passed by the House of Commons on the 10th of May, it was ordered—

That the Serjeant at Arms do remove Mr. Bradlaugh from the House until he shall engage further to disturb the proceedings of the House."

This Order I carried out in a manner most considerate to Mr. Bradlaugh, believing that that was the desire of the House. He was admitted to frequent the Lobby and other parts of the building in full reliance that he would not attempt to enter this House. On the 10th of July he gave formal notice, in writing, to myself, to the Clerk of the House, and to the Serjeant-at-Arms, that on or before the 3rd instant he would again present himself at the Table, and would resist and endeavour to overcome any physical force used against him. In pursuance of the notice, he came this day come to the door of the House, and has endeavoured to force an entrance. The Serjeant-at-Arms and the officers, acting under my directions, have removed him from the door, and in order to prevent any further attempts to enter the House and restrain disorder the approaches to the House, have conducted him beyond the precincts of the House. The question raised by the hon. Member for Northampton (Mr. Labouchere) in his Motion is, whether I am so directing the Serjeant-at-Arms I have exceeded, in my capacity as Speaker of this House, the Order of this House passed on the 10th of May? I have felt that

I should not be giving full effect to that Order unless I had taken the course which I have taken this day.

MR. SPEAKER: Does any hon. Member second the Motion?

MR. ASHTON DILKE seconded the Motion.

Motion made, and Question proposed,

"That, in the opinion of this House, the Resolution of the House passed 10th May last, 'That the Serjeant at Arms do remove Mr. Bradlaugh from the House, until he shall engage not further to disturb the proceedings of the House,' meant that Mr. Bradlaugh should not come within the outer door of this Chamber, and did not give any power to the Serjeant at Arms to hinder him from entering and remaining in all or any other portions of this edifice, and that therefore the Serjeant at Arms and the Officers of the House acting under him, in excluding Mr. Bradlaugh from such other portions of the edifice, acted without the authority of this House, and in so doing interfered with the privileges inherent in Membership of this House, and from which no Member can be deprived without a Resolution of this House to that effect."—(*Mr. Labouchere.*)

MR. GLADSTONE: This not being a question, Sir, of altering in principle the Resolution of the House which has been referred to either by extension or addition, I am not sure whether I should have risen at once on the Motion which has just been made. But the question appears to me to be one which the hon. Member for Northampton is perfectly justified in raising, from his point of view, as to your conduct, Sir, as the Chief Executive Officer of this House, in the interpretation you have put on the Resolution and in the performance of your duty. I pass no censure upon the hon. Member for Northampton for his challenge to each Member of the House, and to Members collectively, to declare whether they will support you in the interpretation you have put upon the recent Resolution of the House. And as I have myself objected to that Resolution, I wish to construe it impartially, in the same sense as if I had approved it, or had even been a party to it. Now, Sir, approaching the question in that spirit, I can entertain no doubt whatever, for myself, that you have acted judiciously, and wisely interpreted the Resolution of the House. It appears to me that, however the Mover of the Resolution may have immediately contemplated, if he did so contemplate, the limit to be established by the actual entrance to the House, the clear inten-

tion of the House in passing the Resolution was that Mr. Bradlaugh should be debarred from access to the House by whatever means might be found necessary for that purpose. I cannot for a moment conceive it possible that it was the intention of the House to leave it open to the executive officers to debar Mr. Bradlaugh in such a manner and form and under such conditions as to cause disorder in the immediate neighbourhood of the House, and to bar the free and uninterrupted access of Members to the House. That is the point upon which the matter appears to me to turn. I must hold that, above all other regulations, one regulation in particular is necessary—namely, that which is asserted in the Sessional Orders of the House; and the direction given to the Commissioners of Police of the Metropolis speaks, not only of free access from the streets to the Houses of Parliament, but says that no obstruction should be permitted to hinder the passage of Members to and from these Houses, and that no disorder shall be allowed in Westminster Hall, or the passages leading to the House during the Sessions of Parliament. The grounds upon which the Motion of the hon. Member cannot be sustained are to me very plain; and I think, Sir, that you have properly exercised, as you always have done, the authority reposed in your hands. As to absolute freedom of access by Members to this House, that would have been seriously hindered if the condition in which you are placed by the Resolution were such that you could only contest the entrance of Mr. Bradlaugh at the doors of the House. I think that in the nature of the case, your conclusion is in accordance with the spirit of the Resolution, and that you would not have acted in accordance with the spirit of the Resolution if you had permitted such a contest at the doors of the House. I think, further, that the great care taken by the House to lay down the principle that no disorder should be allowed, in order to secure free access to the House, involves a proposition which applies to all descriptions of disorder, whether that disorder arises from the action of extraneous persons or from the action of any Member of this House who may have been placed by a Resolution of the House—so far as the authority of the House may establish such a Resolution

Mr. Gladstone

—under a ban precluding him, in exceptional circumstances, from free access to the House, and rendering him, in effect, an extraneous person; and it comes the duty of the Executive authority to treat him as an extraneous person. Therefore, on all these grounds I think this Motion cannot be sustained. I think you, Sir, have acted wisely and properly construed the Resolution of the 10th of May. It is my duty to look upon this matter quite irrespective of my opinion of the character of that Resolution, which, as I have said, remains unchanged; but the duty plainly attaches to us to support the Executive authority of the House in faithful and full compliance with that Resolution.

SIR STAFFORD NORTHCOTE shall say only a few words, Sir, in support of the observations of the Prime Minister, and especially I desire to say as little as possible, because I think of great importance that we should keep altogether distinct questions of procedure with regard to the position of Mr. Bradlaugh and questions of Order which have been raised by the proceedings to-day. I am anxious that these questions should be kept entirely distinct, and that we should confine ourselves to the consideration of the course you, Sir, have felt it your duty to adopt in pursuance of the Resolution adopted by the House on the 10th of May. I think with the Leader of the House that your conduct, Sir, has been entirely in accordance with that which the House expected you would pursue; and that entirely merits and gains the support of this House. The hon. Member Northampton (Mr. Labouchere) has referred to some words I used when I made that Motion, and he has correctly quoted them. Undoubtedly, the Motion which I made had reference simply to the exclusion of Mr. Bradlaugh from the doors of this House. The object of that Resolution was this. Mr. Bradlaugh had up to that time been in the habit of doing that which Members have been elected and who have been able to take their seats are usually in the habit of doing—namely, remaining below the Bar of the House. It is felt that if Mr. Bradlaugh remained in that position, and if he exercised his discretion, as he had done on several previous occasions, to come from his seat below the Bar to the Table to claim

his seat, the House would be subjected to continual interruption of its business. I therefore moved, and the House adopted, the Resolution to exclude him from the body of the House, in order to prevent a disturbance of our proceedings. Mr. Bradlaugh could at any time after the 10th of May have retracted his right of coming within the doors of the House upon giving an undertaking not to disturb the order of the proceedings; but he did not make any promise, and was therefore proper, by the Order of the House, excluded from coming within the doors. I should say he has not only failed to make any undertaking not to disturb the proceedings, but he has attempted to force to override and set aside the Order that was made excluding him from the House. Therefore, the action has been entirely Mr. Bradlaugh's own. I quite agree that, to give effect to the Resolution of the 10th of May, it is necessary that any attempt on the part of Mr. Bradlaugh to enter the House should be resisted, and resisted in an effectual manner. As I understand, Sir, your directions to the officers of the House and to the Serjeant-at-law have been that he should be excluded by force from the House, and if necessary, in order to prevent further disturbance of that kind, he should be removed from the precincts—the Lobby. In that course I think we have taken the proper steps for maintaining the dignity and the peace of the proceedings of this House. I hope the House will unanimously support me in the course which you have suggested it proper to take.

SIR WILFRID LAWSON: I wish to ask, Sir, whether an Amendment can be moved to the Motion?

MR. SPEAKER: I cannot say until I know what the Amendment will be.

SIR WILFRID LAWSON: Then I will give my reasons for an Amendment, which I think ought to be moved to the Motion of the hon. Member. I think this House is getting into a very awkward position; and I agree with the right hon. Baronet who has just spoken, that with regard to the dignity and peace of this House something must be done pretty soon.

SIR STAFFORD NORTHCOTE: The hon. Member not say that with regard to the Member misapprehended me. I

dignity and peace of the House something must be done; but I said that in reference to maintaining the dignity and peace of the House the Speaker had acted rightly.

SIR WILFRID LAWSON: I beg the right hon. Gentleman's pardon; but I agree with every step which the Speaker has taken in this matter for the maintenance of order. On a previous occasion you, Sir, decided that I should not be justified in saying that the Resolution which was passed by the House on the Motion of the right hon. Gentleman (Sir Stafford Northcote) was illegal; but I still have a strong idea that the House did act illegally.

MR. MITCHELL HENRY: I rise to a point of Order. Ought not the Amendment of the hon. Baronet to be read to the House before any speech is made, as the Amendment may be of such a character that it cannot be entertained?

SIR WILFRID LAWSON: I conclude, Sir, that you are still the authority in this House, and that my hon. Friend is not. I was going to say that although, in my humble opinion, the Resolution which has caused all this trouble, and which, if we adhere to it, will probably lead us into more trouble, was passed unwisely. I think, in endeavouring to exclude a duly elected Member from this House, we are taking one of the most high-handed steps which this House has indulged in for some generations; and it is the more invidious, and has the more excited the country, because you are excluding that hon. Member on account of his theological, or perhaps I ought to say his non-theological, views. I strongly object to such a course being taken, and I hope that nobody will presume to say that those of us who object to that proceeding are on that account allied with Atheists, and are sympathizers with atheistic views. That sort of warfare is striking a foul blow. No one has a right to charge us with being sympathizers with Atheists.

SIR HENRY TYLER: I rise to a point of Order. I wish to know whether the hon. Baronet is in Order in going into the whole question?

SIR WILFRID LAWSON: It is unfair to charge us with being in sympathy with Mr. Bradlaugh. It might just as well be said that those who desired the emancipation of the Jews believed in

Jewish faith, or that those who were for Roman Catholic emancipation sympathized with the doctrines of the Roman Catholic Church. I will not give my opinion on the subject; but I will read what the Lord Chancellor says, and I think you could not have a higher authority. The Lord Chancellor says—

“It does not appear to me to be just to assert against one particular man, however bad he may be, a power in the House of Commons to test the sincerity of an oath which he appears to take in the manner prescribed by law, by an extrinsic evidence of his actual belief or disbelief. No such power has ever been asserted or used against any other man, though other professed and notorious unbelievers have sat, and perhaps may sit there still, and the House of Commons have now chosen, for the first time, to assert for itself and to exercise this power.”

I very much regret that it has done so; and I say most distinctly, that neither by law nor equity are we justified in preventing Mr. Bradlaugh from fulfilling the duty which the law has placed upon him. The right hon. Gentleman the Leader of the Opposition has taken one of the most revolutionary courses that has been taken by this House for a long time, and he is setting an example of lawlessness to the Irish Members who sit on the other side. I always understood that the laws of this country were made by the Queen, the Lords, and the Commons, and not by one House alone; and now you are trying to make the law by one Branch of the Legislature. That is a revolutionary course to which I object. What did Lord Chatham say on a similar occasion—namely, in regard to the election of Mr. Wilkes? The noble Lord, in addressing the House of Lords in reference to that matter, said—

“My Lords, I thought the slavish doctrine of passive obedience had long been exploded, and, when our Kings were obliged to confess that their title to the Crown and the rule of their Government had no other foundation than the known law of the land, I never expected to hear a Divine right or a Divine infallibility attributed to any other branch of the Legislature. The Commons have betrayed their constituents and violated the Constitution; under the pretence of declaring the law they have made a law, and united in the same person the office of legislator and of judge.”

Those words apply exactly to the course you are pursuing now. There are, I believe, two sentiments common to most of us in this House—the desire to preserve the law and to preserve the dignity of this House. But by the course we are now pursuing we are weakening the

dignity of the law and our own influence in the country. I have no doubt whatever how this contest will end. I have no doubt, I say, that civil and religious liberty will be triumphant, even although it be in the case of Mr. Bradlaugh. I do not want this contest to go on impeding Business, and giving rise to angry passions, and popularizing Mr. Bradlaugh.

MR. SPEAKER: I must point out to the hon. Baronet that he is going beside the Question before the House. The Question before the House is the conduct of the Speaker. The hon. Baronet is, I understand, going to place an Amendment before the House. If he will do so, I shall tell him whether it is in Order.

SIR WILFRID LAWSON: I, of course, Mr. Speaker, shall not pursue the subject further. I must explain that I hardly like to vote for the Motion of my hon. Friend as it stands, because, as the Prime Minister ably pointed out, it might look as though we were impugning your conduct in this matter, which is the very last thing I would wish to do. In conclusion, I venture to propose, as an Amendment to the words of my hon. Friend—

“That the Resolution of April 26th, 1881, forbidding Mr. Bradlaugh to take the Oath, and also the Resolution of May 10th, 1881, ordaining his exclusion from the House, be rescinded.”

MR. SPEAKER: Under cover of an Amendment calling in question the conduct of the Speaker, the hon. Baronet proposes to raise a question which, in my opinion, has no relevancy to the original Motion. If the hon. Baronet desires that the Resolution of the 10th May shall be rescinded, the proper course is to make the proposal to the House, and bring it forward in the ordinary way.

MR. J. COWEN: Sir, I have no wish to prolong the discussion; but I should be glad if the present occasion could be utilized for the purpose of hastening the settlement of a most unpleasant dispute. Into the merits of that dispute I have no intention to enter. I know that nothing I can say, or that anyone here can say, will alter hon. Members' opinions. The views they entertain are too firmly held to be shaken by a House of Commons' debate. Controversy may strengthen them, but will not shake them. But

I am aware of this, I am also that we are all anxious to have happy wrangle terminated. It is owing to the dignity of Parliament such scenes as we have witnessed in Session. The vulgar struggle that has taken place in the Lobby can no good end, and will only help to bring our deliberations into disrepute. Questions at issue can be narrowed to a single point. Mr. Bradlaugh is a duly elected Member of Parliament, and is bound to take the Oath. The majority on this side of the House are willing that he should take it. Hon. Gentlemen opposite object to that, because the Oath has not the same binding effect as Mr. Bradlaugh as it is understood to have upon them. In fact, in the view of the Opposition, the Oath which Mr. Bradlaugh wants to take and the majority take are different. I recognize and respect, and appreciate that distinction. As long as such an opinion is maintained, the only way of settling the controversy is by altering the Oath. The Oath is the simplest, the straightest, the most direct way of dealing with the matter. The Government admit this, and have introduced a Bill proposing a necessary change. While that Bill is under consideration Mr. Bradlaugh has troubled us. Whatever may be his opinions or his wishes, the House must at least, do him the justice to say so long as the measure was upon the Order Paper we heard nothing of his aims. When it was withdrawn, only then, did he renew his personal attacks. What I wish to ask the Prime Minister is, whether he will give an undertaking to introduce next Session the Bill that he has introduced this Session, which, from pressure of Business, he has been driven to abandon? I have the authority to speak on Mr. Bradlaugh's behalf. I have never mentioned the subject to him. But I would almost like to say—if the Government promise that the Bill which has been dropped this year should be re-introduced next—that until such time as the measure has either been passed or rejected, Mr. Bradlaugh would not dissent. I know it is, perhaps, a good thing to ask the Prime Minister to make a statement at this time, and with previous Notice; but if he will take occasion before the Session terminates to give such an intimation, it will

go far to allay the threatening agitation that is growing in the country. There is only one way out of the struggle. The House of Commons may prolong it as they like; but, however unpleasant it may be to them, in the end the constituencies will insist upon their right to elect whomsoever they please. It is now the case of Mr. Bradlaugh alone. It may soon be the case of others. At present the agitation is sustained by active partisans for and against the Member for Northampton; but if it is allowed to gather it will shortly embrace in its ranks a large section of the community. Mr. Bradlaugh will disappear from the controversy, and the question will become the right of the constituencies or the right of the House of Commons. In face of this threatening and irritating dispute, I hope the Prime Minister will make an announcement of the kind I have suggested, either to-day or at the earliest possible moment. That will do more to allay the agitation than anything I know of.

SIR JOSEPH M'KENNA: Sir, I hope I shall be permitted to express a very devout wish that the right hon. Gentleman at the head of Her Majesty's Government, to whom, in common with most of my countrymen, I feel I am much indebted for the untiring attention he has bestowed on the Irish Land Bill, will not fall into the trap which has been spread open before him by my hon. Friend the Member for Newcastle-on-Tyne.

MR. ANDERSON: Mr. Speaker, I, too, Sir, have a Petition to present from my constituency in favour of Mr. Bradlaugh taking his seat.

MR. SPEAKER: The proper time for presenting Petitions has passed.

MR. ANDERSON: I was about, Sir, to make some remarks on the Motion before the House, and mentioned the Petition by way of introduction. I was a spectator of the exhibition outside the doors of this House this afternoon, and I witnessed it with very great pain for several reasons, and one of these is that I feel very strongly that it will tend to create an amount of sympathy with Mr. Bradlaugh out-of-doors that there has never been before. I saw that Gentleman, who has been duly elected by a large constituency, and is as properly a Member of this House as any of ourselves, taken by physical force by the

police, and dragged out of the Lobby of this House. This is a proceeding which I am sure will have a most unfortunate effect; but, at the same time, I cannot vote for the Motion before the House, because I feel that you, Sir, being charged with the duty of keeping our proceedings orderly, were justified in giving the order. I rose before with the intention of seconding the Amendment of the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), and I regret exceedingly it was not possible to move it, as it might have led to a termination of this unfortunate battle which the House of Commons has entered into with one of the constituencies of the country—a battle which, I feel confident, will bring down nothing upon this House but defeat and discredit.

MR. J. G. HUBBARD: I was entirely unprepared for the scene which I found going on on my arrival in New Palace Yard this afternoon, because I understood that merely an application was to be made on Mr. Bradlaugh's behalf for permission for him to make an Affirmation and take his seat. For many weeks past the Business of this House has been conducted in perfect quietude, as far as this controversy is concerned; and I regret to see the multitude of misled and misguided people outside, who have been induced by Mr. Bradlaugh to accompany him down to this House on the ground that he has been ill-used, and has been illegally prevented from taking his seat. In order that the true facts of this case may be made known to the people of this country, I beg to give Notice that tomorrow I will ask the Secretary of State for the Home Department whether he will consider the expediency of disabusing the misled followers of Mr. Charles Bradlaugh by issuing a Proclamation to the following effect:—

"That the Prime Minister has declared that taking the Parliamentary Oath in connection with the declaration that the words were of no value was not taking the Oath at all, a declaration in which the Attorney General concurred; that Mr. C. Bradlaugh, having made such a declaration, is, by his own act, disqualified from taking the Oath; that Mr. C. Bradlaugh has been declared by the House of Commons and by Judges of the Law Courts to be incapable of making the Affirmation provided for Quakers, Moravians, and Separatists; that Mr. C. Bradlaugh being qualified to take neither the Oath nor the Affirmation, according to law, the House

could not be acting illegally, by preventing his attaining his seat by violence and intimidation, and, finally, warning Her Majesty's loyal subjects to abstain from all tumultuous assemblages, and to lend their aid to the preservation of peace and order."

MR. BIGGAR: Sir, if I were to go on purely personal grounds, I could not vote for the Motion of the hon. Gentleman, for this reason particularly, because Mr. Bradlaugh, when he sat and voted in this House, did not seem to care very much for the rights and privileges of other Members of Parliament. Mr. Bradlaugh voted for a Motion, which, in my opinion, was the most tyrannical ever perpetrated in this House—

MR. SPEAKER: I must remind the hon. Member that the Question before the House is not the conduct of Mr. Bradlaugh, but the conduct of the Speaker of this House.

MR. BIGGAR: I will not, of course, pursue that subject further. My great objection to the course which has been pursued by the majority of this House, or is going to be pursued on this occasion of the expulsion of Mr. Bradlaugh from the Lobby, is that it gives precedent for what I believe to be a most tyrannical action on the part of the majority of this House. If we are to have from time to time every majority of this House saying that a Member shall not be heard in this House on account of his religious or political opinions, and shall not be permitted to take his seat, it will be fraught with great danger to the liberty of Members. The real point, in my opinion, is this—Mr. Bradlaugh has been elected by the electors of Northampton, and I am disposed to think that his electors have fair cause to complain. We know, with regard to Irish constituencies, that the will and wish of the electors has not been treated very tenderly on several similar occasions. At the same time, it would come with bad grace from an Irish Member representing an Irish constituency, as I do, if I did not say, as I do say, that the wish of the electors of Northampton should be paramount upon a question of this sort. This House is not a tribunal to try questions of religion or the political opinions of individuals. The functions in regard to the Oath are simply Ministerial. Political Oaths are an absurdity.

MR. SPEAKER: The question of political Oaths is not the Question before the House.

JOHN BRIGHT: Sir, without expressing any opinion on the Motion of the hon. Member for Northampton, I think that this is an occasion on which a Member of this House, who feels as I do, may take up two or three minutes in stating a fact, and in making an appeal to the House. I have been outside the House within the last few days, and I have heard that Mr. Bradlaugh was refused admission by the House of Commons, and that on the instructions of the Speaker; that he was taken from the door of the House, through the Lobby, down the stairs outside, through Westminster Hall, and so put outside the door of the House; that he was reduced to a condition if not of deathly fainting, but of extreme weakness. "Oh!"—I have it on undoubted authority that by the time he arrived at the Palace Yard he was in a fainting condition—those empowered thus to remove him stated that if he had had more yards to go he must have fainted to the ground. No such case has heretofore been recorded in the history of the British House of Commons. Nothing has been done, not in a corner, but where there are thousands of his countrymen standing outside this House, to witness a part of what took place, and you will soon know all that has taken place, and to-morrow morning more than 1,000 copies of the newspapers will be sent to the people of this country, and what has been done. I will not touch the original question raised in this Motion, but I will not complain of the Resolution which the House passed on a former occasion, and, least of all, will I complain of the course which has been taken by the hon. Member for Northampton, Mr. Speaker; but I will put the question to hon. Members opposite, and to some hon. Members on this side of the House—Where are they leading Mr. Bradlaugh? This is now a manageable affair; there were only a few thousand at the meeting last night in Trafalgar Square, and there are only a few thousands assembled outside this House to day; but there is exactly one of those things which has happened to the House, if it persists in its present course, will bring us into some unfortunate and calamitous position. Let me remind the House that Mr. Bradlaugh is as fairly elected by the constituency of Northampton as any other Member of this House, and that he has

as much right to come to the Table of the House as any one of us has.

MR. SPEAKER: I must interpose, as I have already interposed. The Question before the House is the conduct of the Speaker, and not the case of Mr. Bradlaugh.

MR. JOHN BRIGHT: I admit, Mr. Speaker, that you are perfectly right, and I am technically wrong; but I asked the House when I rose whether I might be permitted to make that appeal. I will conclude my observations merely by asking hon. Gentlemen who have taken the courses that have led to these difficulties, whether they might not reconsider the question and extricate the House from a position injurious to its own character and wrongful to the constituency.

LORD JOHN MANNERS: Mr. Speaker, the right hon. Gentleman opposite has asked Members on this side, and the whole body of the House, to what the course we are now pursuing is tending. I reply, the object we have in view, and which we believe we shall achieve, is to maintain the dignity and the order of this House, and if the right hon. Gentleman has that object in view, in common with the great body of the House, I would respectfully suggest to him that the speech he has delivered and the *animus* he has shown are not calculated to induce Mr. Bradlaugh to cease from that conduct on his part to which, and to which alone, we have to attribute the scene of this morning. I wish the House to take notice of what the right hon. Gentleman opposite (Mr. John Bright) stated he had either seen himself or had heard on reliable authority. It was that Mr. Bradlaugh had been removed by force whilst standing in front of the doorway, and hurried by policemen down the steps of this House. I understood the same kind of statement to be made by the hon. Member for Glasgow (Mr. Anderson), and in a more guarded form by the hon. Member for Northampton (Mr. Labouchere). I witnessed what did occur. Was it the fact that Mr. Bradlaugh, standing peacefully outside, was, by order of Mr. Speaker, seized by policemen and hurried in a fainting condition down the steps? No, Sir; what occurred was this—that Mr. Bradlaugh endeavoured by force, against the decision of this House, and against the orders of Mr. Speaker, to compel an

entrance into this House, and it was not until he had set himself in violent opposition to the appointed guardians of order, that that occurred which the right hon. Gentleman has described to this House with melo-dramatic effect. I regret the circumstances, and that Mr. Bradlaugh should have suffered any inconvenience; but Mr. Bradlaugh has no human being to thank but himself, unless it be in some slight degree those indiscreet and ill-advised friends of his who have made such appeals as we have just listened to. I have thought it right to say this much, because, unless someone said it, a totally erroneous impression might have been circulated to-morrow by that million or more of papers to which the right hon. Gentleman has referred—namely, that unnecessary and uncalled-for violence has been perpetrated under your orders by the officials of this House, on a harmless and unoffending Gentleman who was standing meekly outside the door of this House.

MR. BROADHURST: Sir, a large constituency has duly elected a proper and qualified person to represent them in Parliament; and we, as the Representatives of other English constituencies, are bound to do our duty, so far as we can, in obtaining permission for the hon. Gentleman to take his seat. It appears to me that to-morrow this House will appear in a most ridiculous position. You will raise up every constituency in this country. You will, by your action, bring support to Mr. Bradlaugh from every constituency in this country—support which would never have come only for the political martyrdom which he is looked upon as undergoing. Sir, it would be almost beneath one's dignity to stand here and disclaim sympathy with Mr. Bradlaugh's opinions on religious matters. We have no sympathy with any such opinions. We have a sympathy with this—the indisputable right of an English constituency to elect whomsoever they like—the right of the constituencies of the United Kingdom to elect whomsoever they think proper to represent them in this Parliament.

MR. SPEAKER: I must invite the hon. Member to keep to the Question before the House.

MR. BROADHURST: Mr. Speaker, I am sincerely thankful to you. It is easy on an occasion of this kind for so young a Member of Parliament as my-

Lord John Manners

self to travel out of the narrow path of Order in a subject of this kind. I apologize to the House for that little indiscretion. But what I want to point out, Sir, is this—that you are renewing a battle against freedom of election, which is sure to be decided against you. I am willing to forego any further discussion on this subject if some instruction or promise could be made to the House in the direction indicated by the hon. Member for Newcastle (Mr. J. Cowen). At present we feel bound—almost bound—if the hon. Member for Northampton goes to a division, to support him, even at the risk of being thought to contest the authority of the Chair on this occasion.

COLONEL MAKINS: My opinion, Sir, differs entirely from that of the right hon. Gentleman the Chancellor of the Duchy of Lancaster. I saw Mr. Bradlaugh removed by a very mild exhibition of physical force, to which he offered a great amount of theatrical resistance, almost as theatrical as the language in which the right hon. Gentleman described it. What is the position now? I wish to ask the Home Secretary, who, I suppose, is responsible for order being preserved outside the precincts of the House, what he proposes to do. Mr. Bradlaugh is now standing in the yard of the House, and states that he will remain there and attempt to take his seat, and that if he has to retire he will return with a large accession of force and again attempt to take his seat. I wish to know, in case that should take place, what course the right hon. and learned Gentleman will take. The right hon. Gentleman the Chancellor of the Duchy of Lancaster says this matter will grow. I know no better means of making it grow than such a speech as the right hon. Gentleman has just delivered. It will be perfectly understood in the country who is behind Mr. Bradlaugh in his attempt to use force against the House of Commons.

SIR HENRY HOLLAND: Sir, I believe that a great many Members of this House, though they desire to express approval of the conduct of you, Sir, and of the officers of the House, feel some difficulty in dealing with the Resolution proposed by the hon. Member for Northampton; and I trust I may be able in some way to assist in shortening this debate, and allowing the House to get to the ordinary Business by proposing,

if I am in Order in doing so, an Amendment to the Resolution proposed by the hon. Member for Northampton. Without any further speech I would propose—

“That this House approves the action of Mr. Speaker and of the Officers of this House acting under his orders.”

I trust that that Amendment will receive the unanimous assent of the House, and I hope may terminate this debate.

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “this House approves the action of Mr. Speaker and of the Officers of this House acting under his orders.”—(*Sir Henry Holland*.)

Question proposed, “That the words proposed to be left out stand part of the Question.”

MR. GLADSTONE: Sir, although there is no doubt that a negative put upon the Motion which is before the House would have distinctly conveyed the judgment of the House in the sense of the present Amendment, yet, viewing the fact especially that the Motion is a Motion which sets out in some detail its own character and grounds, I think not only that the Amendment proposed by the hon. Baronet the Member for Midhurst (*Sir Henry Holland*) is unobjectionable, but that, upon the whole, it enables the House to give expression more fully and satisfactorily than a mere negative would have done to the feeling which I think we all entertain. It has not been questioned by anyone, whatever view may have been taken, that the conduct of the Speaker has been eminently considerate and judicious. I have great satisfaction in supporting the Amendment, and I hope it may have the effect which the hon. Baronet is justified in anticipating. I wish also not to appear disrespectful to my hon. Friend the Member for Newcastle-on-Tyne (*Mr. J. Cowen*), with regard to the question he has put to me. I am not disposed to think that I should be acting in the spirit of the decisions given by the Chair, were I to enter upon the subject of the general solution of the difficulty connected with *Mr. Bradlaugh* on the present occasion. It is strictly a question of the conduct of the Executive, and I think it is my duty to set an example of close adherence to the question, after the definition you, Sir, have given.

SIR STAFFORD NORTHCOOTE: I will not detain the House for a minute. I will only say that I entirely support the Amendment of my hon. Friend behind me. It seems to me distinctly to mark what the question is that is submitted to the House, and to convey the approval which, I think, the great body of the House cordially wish to express towards you, Sir.

MR. O'DONNELL: I rise, Sir, in the first place, to make a protest against the manner in which the right hon. Gentleman the Chancellor of the Duchy of Lancaster has deemed it his duty to misconceive the Question before the House. The right hon. Gentleman drew a fancy picture, calculated to impress the imaginations of the classes to whom he appealed throughout the country. I am aware that historical accuracy is not a strong point with the right hon. Gentleman. I may observe that when the right hon. Gentleman, in drawing his picture, stated that the scene to-day was altogether unprecedented, he must have been unaware of the fact that even in the British Legislature no less a personage than the gallant *Cochrane*—the brave *Dundonald*—was dragged from this House, clinging desperately to the Benches of this House, and expelled and excluded by a Vote of this House; and that, if the sympathy of the right hon. Gentleman the Chancellor of the Duchy of Lancaster was so extensive and so undiscerning as he would wish us to believe, it is strange that in the course of his rhetoric he did not contrive to drop a single regret upon the treatment of *Captain Cochrane*. I am also anxious to know on what principle the right hon. Gentleman the Chancellor of the Duchy of Lancaster hesitates about supporting the authority of the Chair in the case of the excluded elect of Northampton, and the remarkable readiness which he showed to support the authority of the Chair when it was being exercised against Irish Members of the House. Sir, I think that as precedents are of such weight in this House, the precedent which the Chancellor of the Duchy of Lancaster himself contributed to make ought not to have escaped his attention. It is true that *Mr. Bradlaugh* has been removed from proximity to the Chamber—where it appears he was contemplating some scene of disorder—by superior force. I want to remind the Chancellor of the

Duchy of Lancaster that when Member after Member of the Irish Party was removed from this House by superior force, not a single rhetorical tear welled from the overflowing heart of the right hon. Gentleman. If Irish Members had used physical force to prevent their expulsion, I very much doubt whether the right hon. Gentleman would have made such a speech. I doubt whether he would feel a pang to see Mr. John Dillon dragged from the House. I think his speech eminently calculated to excite thoughtless and uninstructed persons against the dignity and authority of his own Legislature, and the reputation of the right hon. Gentleman will not be improved by the marked partiality he shows on behalf of offenders who are apparently of his own kidney.

MR. BURT: I am quite unwilling, Sir, to enter into the subject; but I cannot refrain, on a question which seems to be unpopular, from saying a word on the unpopular side. I regret that the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) cannot move his Amendment, as I feel certain that, sooner or later, some such Resolution must be adopted by this House. I rose, however, chiefly to support the views of the hon. Member for Newcastle (Mr. J. Cowen) in his appeal to the Prime Minister. I am not surprised that the right hon. Gentleman cannot, at this moment, make a definite statement; but I hope, before the Session terminates, he will be able to say that the subject will be dealt with very early next Session. When the hon. Member for Newcastle spoke of the popular feeling which is rising on behalf of Mr. Bradlaugh, the sentiment was met by an incredulous laugh from the other side of the House; but the hon. Gentleman is perfectly right. I have had to attend meetings recently in the North of England, convened without the slightest regard to this particular question, and at those meetings there was practical unanimity in support of Mr. Bradlaugh, although the persons attending the meetings had no sympathy whatever with his special views, and many of them were persons whose leisure was occupied with the advocacy of the principles of Christianity. What we have witnessed this morning goes to show that there is a rising feeling in the country. It is not Mr. Bradlaugh, it is the feeling that the

constituencies have a right to elect the man they think proper. Sitting in this House, we might hear the cheers Mr. Bradlaugh received when he was taken out, and those cheers were ominous that the Gentlemen who now ranged themselves against the electors of Northampton are doomed to a speedy defeat.

MR. ILLINGWORTH: Sir, the Question before the House is really whether the officers of the House, in the discharge of their duty, exceeded what was demanded by the necessity of the case. I, for one, do not hesitate a single moment in supporting the view of the case taken by you, Sir, that the action which has been taken was the necessary outcome of the Resolutions passed by the majority of the House, and that you, Sir, in the discharge of your duty, have not exceeded the necessities of the case in ordering the removal of Mr. Bradlaugh; but I feel some difficulty in supporting the Resolution which has been proposed on the other side of the House, because an obligation has been cast upon you, Sir, by the passing of these two Resolutions of the House, both of which, to say the least, I believe to have been great blunders. I am not going to say that these Resolutions are illegal. I believe that it is the opinion of the great mass of the people of this country that they are not legal; and it is impossible to prevent the great majority of the people of this country entertaining this opinion, and taking consequent action, from the belief that bigotry has shown itself.

MR. SPEAKER: I must remind the hon. Member that the question of the Parliamentary Oath is not the Question now before the House.

MR. ILLINGWORTH: I can only say that I find it impossible to vote either for one Motion or the other. With all respect to you, Sir, I wish to say that I regret exceedingly what has taken place; but I regard it as the consequential outcome of Resolutions passed by the House at an earlier stage of the Session.

MR. H. B. SAMUELSON: Sir, I feel I cannot vote on either side of the question; but I wish to say one word, as I have been an eye witness of the scene in the Lobby to-day. I stood within three feet of Mr. Bradlaugh, in front of him, between him and the door; and I heard him, in a perfectly quiet

manner, claim what he maintained to be his legal right, to enter the House. He then endeavoured to make his way into the House, and was prevented by certain officials and police. I do not say whether they were right or wrong, but am merely giving a statement of what occurred. Mr. Bradlaugh was impeded in taking that action by a line of men who are not Members of this House, but who were drawn up across the portal of the House. That is to say, that to-day a Member who has been duly elected by a constituency, and whose return has not been impugned, has been prevented from entering the door of the House by those who are not Members of the House. Mr. Bradlaugh used no force except that he endeavoured to push his way into the House—not in a violent way at first. ["Oh!"] I pledge my honour that is so. I saw it all. Mr. Bradlaugh did not act in a disorderly manner. He tried to edge his way through those people who barred his progress; and was then seized, pushed bricily, and hustled across the Lobby and expelled, expostulating the whole time with those who held him, and maintaining the course which they were taking to be illegal. It is not for me to say whether it is so or not. [*Exclamations.*] Well, I am a Member of this House, and I have a right to express my opinions. There is a higher tribunal beyond the walls of this House which will probably decide that point. I say for myself I have no sympathy with Mr. Bradlaugh's opinions, social or political. I think he has been ill-advised in endeavouring to take the Oath after what he has said; but it is very doubtful whether the House is doing that which will conduce to its dignity in encouraging at the door of the House a scene of violence so unseemly as has just taken place. I am sure that when the people of England read the words of the right hon. Gentleman the senior Member for Birmingham they will thank him for his speech. ["Oh!"] They will thank him heartily for having had the manhood, in the difficult position in which he is placed, to stand up and give utterance to the opinions which he has expressed, which are in accordance with those which he has constantly expressed during the whole course of his political life. I cannot vote for the Resolution of my hon. Friend, be-

cause I do not wish to do anything which seems even to impugn the authority of the Speaker when carrying out the mandate of the House. I cannot forget that Mr. Bradlaugh can at present enter the House if he refrains from attempting to take the Oath and imitates the example of Alderman Salomons and Baron Rothschild, who contented themselves with sitting below the Bar, and by their silent presence there ultimately brought Constitutional pressure to bear on the Houses of Parliament, and thus, in the end, succeeded in obtaining the repeal of the law which excluded Jews from the House of Commons. I am extremely sorry for what has taken place throughout with regard to Mr. Bradlaugh, and in saying what I have I believe I have expressed the wishes of my constituents, none of whom, however, have spoken a word to me of pressure on the subject, although they have said they believed it would be impossible permanently to exclude Mr. Bradlaugh from the House of Commons.

MR. ASHTON DILKE: I wish, Sir, to ask you whether it is possible to move an Amendment to the Amendment proposed by the hon. Baronet the Member for Midhurst (Sir Henry Holland)? If not, I will take the opportunity of moving it when the Amendment becomes a substantive Motion.

MR. SPEAKER: That cannot be done, as it would re-open the whole question.

Question put.

The House *divided*:—Ayes 7; Noes 191: Majority 184.—(Div. List, No. 351.)

Question proposed, "That the words 'this House approves the action of Mr. Speaker and of the officers of this House acting under his orders' be there added."

MR. ASHTON DILKE: Mr. Speaker, I just wish to ask, for the benefit of a large number of Members who do not wish to cast any blame on the action taken by the Chair, but who simply wish to register their protest against it, whether I should be in Order in moving an addition to the Amendment of the hon. Baronet (Sir Henry Holland) of the following words:—

"But is of opinion that the regrettable proceedings attending the expulsion of Mr. Bradlaugh prove the necessity for legislation on the subject."

MR. SPEAKER: The Original Question before the House involves the conduct of the Speaker, and the Amendment proposed by the hon. Member is altogether irrelevant.

SIR WILFRID LAWSON: Before the Question is put, I should like to ask whether this is irrelevant? May I move to add the words—

“That this House regrets that Mr. Speaker has been placed in a position which rendered the course which has been taken unavoidable.”

That expresses sympathy with you, Sir. If I am in Order, I shall move these words.

MR. SPEAKER: The Amendment of the hon. Baronet opens up the whole question of Parliamentary Oaths and the conduct of Mr. Bradlaugh on the one hand, and the House on the other; and, therefore, I could not consider it regular.

MR. CALLAN: Sir, I do not wish to give a silent vote on the Motion now before the House. I wish to state why it is that, having seen so many of those scenes attending the expulsion of Members of this House, I shall, on the present occasion, support the authorities. I was present at the scene which has just taken place. The Chancellor of the Duchy of Lancaster was not present, and the description he has given of the scene is wholly inaccurate. Having been present when the assault was committed upon the Serjeant-at-Arms by Mr. Bradlaugh, and at the closing scene outside, I wish to state simply that so far from Mr. Bradlaugh being in a fainting condition at the time he was left outside, in a far worse condition was the officer of this House, whose collar he had never let go through the struggle outside of the House; and, at the same time, he gave him as good a shake outside the House as ever a bull-dog gave a rat, thus showing that although he asked for a glass of water, he was in no fainting condition. But the scene was disgraceful in the extreme, and it was disgraceful to Her Majesty's Government, because of their want of moral courage to deal with the case. In a brutal manner Mr. Bradlaugh committed an assault for which he should be prosecuted; and if he does not, it is because this House lacks moral courage, because it lacks back-bone. It shows that it deals far differently with an English Member from the manner in which it

deals with an Irish one. Although there have been many expressions of sympathy with Mr. Bradlaugh, yet it is a significant fact that there are none who come forward and offer to resign their seats in his favour. For the reasons I have given, I shall heartily support the authority of the Chair in this matter.

Question put, and *agreed to*.

Main Question, as amended, put.

Resolved, That this House approves the action of Mr. Speaker and of the officers of this House acting under his orders.

MR. LABOUCHERE: I beg to give Notice that on going into Committee of Supply I shall move—

“That every person returned as a Member of this House, who shall claim to be permitted to take the Oath, notwithstanding so much of the Resolution passed by this House on the 26th April last, as relates to the taking of the Oath, shall take and subscribe the Oath of Allegiance in the form and in the manner prescribed by law.”

ORDER OF THE DAY.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, “That Mr. Speaker do now leave the Chair.”

NAVY (CADETS).—RESOLUTION.

MR. GORST, in rising to call attention to the regulations for the admission of Cadets into the Royal Navy; and to move—

“That, in the opinion of this House, Naval Cadets should be appointed at a more advanced age, and that if they are chosen by competitive examination, such competition should be open, and not limited for the purposes of patronage,” said, that the boys were now chosen at too young an age, and although this selection was supported by professional men, it was opposed to the experience and custom of all Navies in the world. Why should this country set itself against the universal practice and experience of other civilized countries in this matter? The second objection was that the competitive examination was extremely injurious to these young boys, because of the numerous and very heavy subjects they were required to be proficient in. He knew there was a differ-

ence of opinion on the subject; but he believed the weight of the testimony supported his assertion. One of the gentlemen who were engaged in instructing the boys for examination purposes admitted that the required amount of mathematical knowledge could not be "crammed" into the head of a lad of such tender age without doing permanent harm to his intellect, and greatly impairing his constitution. Such a system was fatal to proper education; and he might observe that there was no public school in the Kingdom which subjected boys to such a rigid examination at so early an age. The next objection he had to urge against the present method of training cadets was the badness of the *Britannia* school. Lord Dalhousie, when a Member of that House, stated that while he was commander of the *Britannia* it was a very bad school. All our great public schools now submitted to an annual inspection by the joint Syndicate of the Universities of Oxford and Cambridge; and he should like to know whether the Admiralty would be willing to subject the *Britannia* to inspection and examination at the hands of this Syndicate? This was a fair challenge; and if the Admiralty would not accept it, perhaps the hon. Gentleman (Mr. Trevelyan) would say why they could not submit to such an ordeal. The next objection to the present system was that the boys were not sent to sea. It was not until they had left the *Britannia* and had passed into the Navy, at the age of 15 or thereabouts, that they were sent to sea at all. They might be educated in the ordinary schools of the country, instead of being cooped up in a ship, in which they learned nothing of sea life. Again, he wished to know why admission to the Navy should be a matter of patronage? There was no patronage now in the Army; and it was only in the Navy and the Diplomatic Service that the disagreeable and antiquated system of patronage survived. Some people talked about the importance of having a class of educated gentlemen with good connections to serve as officers in the Navy; but he would ask whether the officers of the Army were, in regard to social status, one whit inferior to the officers of the Navy? All patronage of this kind, if it were not useful, was unjust. Why should a lad be debarred from serving

the Queen in the Navy simply because his father or his friends held obnoxious political opinions? Considering that a Liberal Government was in Office, and that the Office of Secretary to the Admiralty was held by a Gentleman whose opinions on this subject were so well known, it seemed strange that a Conservative Member should be standing there pleading to the House of Commons for the abolition of patronage. The circumstance showed that a system of this sort, after having been long established, could not be done away with in a moment, even by the most Liberal and advanced Government that ever was in Office. If the House should prefer that the Navy should be open to everyone by public competition, without patronage, he knew the Secretary to the Admiralty would be very glad, and the passing of the Resolution would materially strengthen his hands. The hon. and learned Gentleman concluded by moving the Resolution of which he had given Notice.

Mr. GOURLEY, in seconding the Resolution, observed that the right hon. Gentleman the Member for Ripon (Mr. Goschen), when First Lord of the Admiralty, as were also some of his distinguished Predecessors, was in favour of the abolition of the *Britannia*, and held the opinion that boys intended for the Naval Profession should be educated at public schools, and afterwards learn their profession at sea under commanders who were well qualified to impart to them the necessary technical knowledge. In that opinion he entirely concurred, and he hoped it would be adopted by his hon. Friend the Secretary to the Admiralty. One result would be to secure equally efficient naval officers at a much smaller cost than at present, and another would be to get rid of a most obnoxious system of patronage. Under the present system, if a gentleman wished to have his son nominated to a cadetship he wrote to a Peer or a Member of Parliament requesting that he should apply for a nomination to the First Lord of the Admiralty, and if he did not succeed the first time he wrote again and again to other Peers or Members of that House. He had himself known that process repeated 30 or 40 times, and it was time that the patronage system was abolished. In the ordinary training ships boys were well trained, but the

only prospect they had before them was that of being ordinary seamen, or, at the utmost, becoming petty officers. At Greenwich School there were about 100 boys receiving technical and other education; but they had no chance of receiving commissions as cadets or otherwise, and their highest prospect was to become petty officers, or, perhaps, stewards on board Her Majesty's ships. The whole system needed revision, and, for his part, he was in favour of affording the clever boys in the ordinary training ships, and at Greenwich, means of attaining a superior education, which would enable them to compete with the *Britannia* boys. He hailed with pleasure the opinions which had been expressed by the hon. and learned Gentleman.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, Naval Cadets should be appointed at a more advanced age, and that if they are chosen by competitive examination such competition should be open and not limited for the purposes of patronage,"—
(*Mr. Gorst*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR JOHN HAY said, he wished to express concurrence in the Resolution of his hon. and learned Friend. He (Sir John Hay) was of opinion that they could obtain as good, if not a better, class of boys by direct selection than by competition. He had always advocated, when he was previously in the House, that the age of the boys who entered as cadets should be raised. In former periods of naval history, when sailing was a different business than now, the management of a ship under sail, and other kindred matters, required that a boy should be taken very young, and trained up for the purpose; but now, he thought, they did not require boys to be taken for the Navy at an earlier age than for Woolwich. Lord Dundonald, for instance, a most distinguished officer and brilliant seaman, entered the Navy when he was upwards of 18 years of age. That showed that Lord Dundonald had special aptitude for the Service, and what they wanted was special aptitude. There was no reason why a boy who had special aptitude should not

be allowed to join the Navy after he had attained the age of 16. In his opinion, they would be quite as efficient officers by taking them at a later period than the age at which the lads were now taken. He believed a process might be introduced, by virtue of which boys might be selected by prizes in public schools, not on the knowledge gained of one day's examination, but of the general character of the boy, and his aptitude for a daring and skilful life. He concurred that the *Britannia* was not the best process by which to get the best class of boys. It was necessary, he thought, to put them first into sailing ships, because he believed they would thus obtain that readiness of hand, and quickness of eye, and special adaptation necessary for a successful and efficient officer. He would be glad to see some change made in the direction indicated by the Mover of the Resolution. Patronage, no doubt, was a very bad process for obtaining the boys; but he was of opinion that if it was bad for those who were admitted by such means, it was also equally bad and unpleasant for those who exercised it. He did not believe the Admiralty desired to continue the system of patronage, and his opinion was that the changes introduced by the late Mr. Ward Hunt were for the public interest.

SIR HENRY HOLLAND said, that, heartily concurring, as he did, in the views expressed by the right hon. and gallant Admiral who had just spoken, and knowing the just weight that would be given to any observations or suggestions made by him, he (Sir Henry Holland) would not have interfered in the debate had he not been requested by several persons to say a few words in support of the opinion that naval cadets should be appointed at a more advanced age. He certainly thought that the necessity of choosing the Profession for boys of such tender age was objectionable in itself. He thought that it was much better that young lads should go to school and learn a little for themselves about the different professions and chances of life. It did not, of course, follow that the parents should fall in with the wishes of the lads; but the lads themselves would, at a more advanced age, and with more knowledge, be able to appreciate the reasons for choosing this special Profession, and they would be more

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likely to take to the Profession than they are now. It would tend to lessen the discontent which, he feared, was felt in many cases in the earlier stages, at all events, of the Profession. Nor could he see how in any way the interests of the Navy would suffer from such a change. If prizes were given at public schools, or if cadetships were offered to the boys at such schools, special attention would be given to subjects which would fit the boys for the Naval Service, such as mechanics, mathematics and engineering, geography and languages, and such like subjects. The actual naval work, the special knowledge of a ship, and how to handle it, and so forth, could be learnt in a short time after a lad had joined his ship; and the right hon. and gallant Admiral had pointed out that he entertained no doubt on this point, looking to the difference between the sailing vessels of the former days and the steamers of the present day. He (Sir Henry Holland) would not delay the House by urging further reasons in support of this view; but he desired to press upon Her Majesty's Government that part of the Resolution of the hon. and learned Member for Chatham (Mr. Gorst) which related to the appointment of naval cadets at a more advanced age, and which, he believed, would advance the interests of this great Profession.

Mr. TREVELYAN said, it had more than once been the fate—he might almost say the hard fate—of the present Board of Admiralty that, when they had devised and carried through a reform which they fondly imagined was a bold one; when they had reasoned away the opposition which existed inside the Service, and had screwed up their courage to facing the opposition which they presumed to exist in the House of Commons, then, to their astonishment, they found themselves met, not with the charge that they had gone too far, but that they had not gone far enough; that, so far from being praised as reformers, they were regarded as unprofitable servants, who had not even done as much as it was their duty to do. If censure came in that form, he should be the last to complain, and especially when it came from the opposite Benches. The present Board of Admiralty had made a great change—a change which was eagerly advocated in this House during the years between 1875 and 1880, and

persistently refused by the Boards which then held Office; and now that the thing was done, it was a subject, he thought, rather of congratulation than complaint that the first effect was to elicit from the hon. and learned Member for Chatham (Mr. Gorst) a demand for still more extensive reforms, and an interesting speech on the much vexed and all important question of the education and selection of our naval officers. He thought the House was not quite aware of the great importance of the change which the present Board had made; and the hon. and learned Member for Chatham seemed to underestimate altogether the practical result of that change, and to attribute to it defects and dangers which he believed to be quite imaginary. What Government had done was this. There were two theories as to the selection and education of naval officers. One was to take them young, and, after educating them, partly at the public expense, to give them a long knocking about on board ship while still boys. The other was to take them at a more advanced age, when they had completed all except their strictly technical education outside the Service, to give them that technical education, and nothing else, and to send them to sea as young men rather than as boys. This last might be said to be the Continental system, which prevailed in Italy, Germany, France, and the United States. The other system was, and always had been, for good or for evil, the English system; and, though he did not say there was not a better, still that system, as far as it was properly worked, had produced out of British lads as fine a body of naval officers as ever existed in the world. But this system, as worked between 1875 and 1880, and before 1869, had very grave defects; and the present Board of Admiralty saw, or thought they saw, the method of remedying those defects; and, without entering on the question of whether the system should be abandoned and another introduced, they made, or rather revived, a reform, very simple in its character, by which the received and existing national method of officering our Navy might be made as perfect as it was capable of becoming. The system of pure nomination, which existed before 1869, and which was revived by Mr. Ward Hunt, had two very serious defects.

When the authorities in whose gift patronage lay could appoint any lad whom they chose to be a naval cadet, if only he passed a test examination, the temptation to appoint more than the interests of the Service required became, in the long run, irresistible. It was resisted by the right hon. Gentleman the Member for Westminster (Mr. W. H. Smith), and he (Mr. Trevelyan) firmly believed it would have been resisted by Lord Northbrook. But it had, in past days, been yielded to by First Lords of both the great Parties in the State. It came to this—that, for some years together, three times as many cadets were entered as the Service of the Navy required, so that all the avenues of promotion were blocked up, and a ruinous expense inflicted on the taxpayer. That was the first defect of our old system, and of that defect the scheme of the present Secretary of State for War, as revived by Lord Northbrook, had afforded a complete and permanent cure. The most self-interested and unscrupulous dispenser of patronage would never care to multiply offices when, by so doing, he did not increase the chance of his own nominee getting one. For every fresh cadetship three fresh boys would have to compete. The chances were three to one against any given boy, whether there were 10 cadetships or whether there were 100; and whatever else might be said for or against the system of limited competition as conducted at Greenwich, this, at any rate, might be safely affirmed, that it was an absolute specific against the fatal tendency, which formerly existed, to over-officer the Navy. But the reform which had been set on foot was intended to do much more than this. He was not without hope that many of the objections which Lord Dalhousie, in his very striking speech of last year—a speech so striking that those who heard or read it had never ceased to regret his removal from among us—brought against the present system, and the objections which the hon. and learned Member for Chatham had brought against it would turn out not to be inherent in that system, but to have been actually remedied by the measures which the present Board of Admiralty had thought it right to take. The old system produced a large number of as fine officers as anyone could wish to see; but it admitted, likewise, a cer-

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tain number of young fellows of capacity inferior to what the public had a right to ask for in those who served it. It was those young fellows who were the weak part of the Naval Service at all periods of their career, and at no period more than during the educational period to which the hon. and learned Gentleman's Resolution related. One great evil complained of was that the boys on the *Britannia* spent their time in painfully grinding through subjects in which they took a very small intellectual interest. Another complaint was that, as soon as they left the *Britannia*, many of them dropped those subjects, and forgot all about them with extraordinary rapidity. Now, those were just the boys who were kept out by limited competition. People were very apt to talk of the competitive system as if it was an elaborate machinery for getting a service composed of senior wranglers, and asked whether a man who came out at the head of a class was sure to make the finest officer. That was not the contention of the advocates of competition. Their contention was—and he maintained that it had been fully borne out by experience—that the effect of competition was to guarantee that none of the servants of the public should fall below a very respectable standard of intelligence. No test competition that ever was invented had ever, in the long run, secured that end. The facts that now were before them proved that it was from the disuse of competition that the evils complained of arose; and it would be from its revival that they would, in great part, cease. Let them take the system as it was under Lord Northbrook, and as it was during the last five years. Now-a-days, if a boy who was not very sharp was offered a nomination, his parents made up their mind that he had no chance in the competition, and left him to continue his ordinary school course, where he got the usual training of a boy destined to civil life. But when a boy got a nomination under the old system, whether he was clever or stupid, it was worth sending him to a crammer and taking the chance of his passing the test. In the words of the President of the Royal Naval College—

“It was possible by a forced and superficial process of preparation—by cramming, in short—to pass boys into the Service who would have no chance whatever of competing successfully.”

But the evil did not stop there. Having

been got into the *Britannia*, it was necessary that, at all hazards, they should be got through it; and the time of the naval instructors was consumed in pushing and hustling boys through a course of subjects which they never more than half understood, and which they worked at solely against the grain. And these were the boys who, when they went to sea, dropped their painfully, but superficially, acquired knowledge as completely as if they had never acquired it at all. These were the very boys whom limited competition kept out of the Navy. When limited competition was exchanged for nomination in 1874, the average of ability fell in a marked manner. The 450 cadets who entered under competition before 1874 obtained, on an average, 60 per cent of full marks at their final examination. The 235 cadets who entered by pure nomination obtained 53 per cent. The young midshipmen who entered by competition obtained in their first examination afloat an average of 811 marks out of 2,600. The midshipmen who entered by pure nomination obtained 685 marks; and, what was very significant, the number of cadets who obtained first-class certificates on leaving the *Britannia* under competition amounted to 20 per cent, and under nomination only to 10 per cent. Some curious statistics taken by an officer of high rank for his own information proved that it was from the boys who had taken these first-class certificates that our distinguished and successful officers were, to a large extent, derived. It might fairly be said that, of boys who took a first-class certificate on leaving the *Britannia*, 50 per cent became captains and commanders, while of boys who took a third-class certificate, only 20 per cent reached that rank. So that what the revival of pure nomination did was practically this—that out of every 100 boys who entered the Navy, it diminished the exceptionally able boys, who were likely to grow into really first-rate officers, by exactly one-half, and replaced them by as many boys who were below the standard which the Service of the country required. But by the restoration of limited competition the *Britannia* henceforward would be a school composed entirely of boys for whose conduct and abilities there was a real and solid guarantee. Now that the best had been

done for the old system under which our officers had been educated for so many years, he should be inclined to ask the House to let that system work a little longer without at once pulling it to pieces and building it anew. As to the fears expressed by hon. Members of the effects of competition at this tender age, he was firmly persuaded that, under the examination as at present conducted, those fears were illusory. A boy might be crammed to pass a test examination which he would not have passed otherwise; but if a competitive examination was properly conducted he could not be crammed so as to enable him to beat a boy better taught and naturally cleverer than himself. What cramming would enable a boy to do unseen passages of French and Latin, with the aid of a dictionary, better than another boy who had a real and solid acquaintance with those languages, and who had superior mother-wit to himself? The best testimony to the manner in which the examination last June was conducted was afforded by the only letter which he had seen giving the account of the reason of a boy's failure; and in that letter the parent said that the boy had been overcoached the night before; and everyone who knew what a good examination was knew that the worst possible preparation for it was to cram up to the last night. He firmly believed that the competition which they held at 13 was just as innocuous to health as that which the hon. and learned Member proposed to hold at 16 or 17. But hon. Members must not think that he wished to meet this Resolution with a hard-and-fast negative. He had the greatest sympathy with the general objects of the hon. and learned Member. He had the keenest sense of the defects of our present system which the hon. and learned Member exposed; and for months past he had been studying in every way in his power the different solutions of the problem of naval education which had been so ably put forward in various quarters. He felt most strongly the very great discomfort and disadvantage to our midshipmen of becoming officers in Her Majesty's Service before they had got rid of school. It appeared to him that to minds of that energetic and resolute class which we especially valued in our Navy, it might be almost a mental torture to be distracted between rather elementary book

learning in the abstract sciences and the acquisition of the practical duties of a profession. To alternate between being a captain's *aide-de-camp* in a naval brigade and reading algebra with a naval instructor; to go from gun drill, and inspection, and the charge of boats to old schoolroom learning that had been rubbed up and forgotten ten times over was a life of such waste of intellect and energy that he did not despair, and he was farther from despairing than ever, of finding some corrective for it. Young or old, when a lad went to sea, he ought to go as a sailor; and so strongly did he hold this that he would not hesitate to recommend a pretty bold recasting of our system in order to attain this desired end. His own firm belief was that if a young man had three years at sea without having his attention distracted by school work he would learn more seamanship and more seamanlike qualities than he learnt in the five years that he now served afloat in a capacity something between a schoolboy and an officer. If that were carried out, it would give him a year or a year and a-half to continue his general studies before he joined the Service. There is much to be said likewise on the question of open competition. There is much to be said for drawing closer the connections between our great public schools and the Navy by giving nominations for competition to the head masters of such schools as Eton, Harrow, Winchester, Cheltenham, Marlborough, and any school that might desire to enter the lists. Nor, if the House of Commons so wished it, would they consider that the Navy would be ruined even if the principle of open competition was imposed upon them by Resolution of the House. The introduction of open competition into the Indian Civil Service, and into the Public Offices at home, was intimately connected with two names in which he had the strongest and the closest interest, and the first years of his public life were spent in urging the change from purchase in the Army to the open competition which at present existed. He supposed he was one of the last men in that House likely to regard open competition with dread. But he hoped that the House would leave them alone for the present. The Admiralty had this year made a very great change in their method of first appointment; and if it were merely for

the purpose of making sure their ground and obtaining data to guide their further progress, it was really important that they should be allowed some time to see how the change would work. In the interests of the Service, and speaking as one who had his mind open—widely open—to the possibilities of reform being needed, he would be heartily glad if they were allowed time to deliberate very carefully indeed on their experiences of the reformed system before they were bound by a vote of Parliament to exchange it for another to which it was, in some important respects, an approach and an advance.

Amendment, by leave, *withdrawn*.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—PRISONERS ARRESTED UNDER THE ACT.—OBSERVATIONS.

MR. ARTHUR O'CONNOR said, he wished to call the attention of the Government to the reports contained in the morning papers stating that two of his constituents had been arrested and placed in prison—namely, Mr. Murphy and Mr. Campion, of Rathdowney, in the Queen's County. He was perfectly certain these two men were among the last in Queen's County who would aid or abet any transgression of the law. It was perfectly impossible to conceive what offence they had been guilty of which would justify their arrest; but he supposed that, as had been done in other cases, the Government would be prepared to shelter themselves behind the powers which had been given to them, and under which they had already seized Mr. Doran and others, of Maryborough, and placed them in Naas Gaol. The difficulties of the 200 others who were confined in Ireland were very well stated in a letter which he had just received from Mr. John Reddington, now in prison. He said it seemed to him very unlikely that any of those now in prison would be released without signing some compromise; that he was charged with inciting to intimidation, while, as a matter of fact, he had always been most anxious to prevent breaches of the law; and that the men who felt as he did on this question should not be handed over to the tender mercies of the Government. He asked what would become of those men in prison who wanted to bring cases

before the Land Commissioners? He was conscious of having sinned too deeply in the eyes of the powers that be, because he ventured to assert his own right, to expect pardon, except he was prepared to sign a compromise, and, consequently, he was likely to remain in prison some time. His father and mother were old and decrepit. He had an extremely strong case to lay before the Land Commission. His landlord, although he lived within three miles of the property he occupied, never came near it, and a few years ago he raised the rent 100 per cent over Griffith's valuation. Unless he was allowed to obtain legal advice, he could not appear before the Land Commission. This man was respected throughout the country by all who knew him, and was utterly incapable of doing the thing complained of, or attempting to break the law. But, at the same time, he was a man of determination, and never hesitated to say that which he thought ought to be said, and assert his right. This man appealed for information, and he (Mr. Arthur O'Connor) thought the appeal was a very reasonable one, as to what facilities would be afforded to men like him to bring their cases before the Land Commission. This man's relatives were entirely dependent on his exertions, and were entirely unable to look after his interests. Such had been the tyranny of the landlord class that if it were not for some bold, determined spirits the great bulk of the tenants could never have been induced to assert their rights as they had done manfully during the last 18 months. He, therefore, asked the Government how they proposed to deal with these men after the rising of Parliament, when the Land Commission was at work, and what was the alleged reason for the arrest mentioned in this morning's papers of Mr. Campion and Mr. Murphy?

MR. W. E. FORSTER said, he was not aware the hon. Gentleman was about to bring forward this case. As to the last question, he could not answer it until he got information. If the hon. Member put the Question down on the Notice Paper he would give him what answer he could, in accordance with the previous answers he had given on these matters; but he was not in a position at present to make any statements at all upon the subject. He would take care

that no man who was arrested under the Protection of Person and Property Act should be, if he could possibly prevent it—and he thought he should be able to prevent it—in any way damaged in making applications in reference to his holding under the Land Act if it became law. The hon. Member wished to find out in what way he would carry out that intention. He must ask for time to consider the way in which he would carry it out. He admitted it would be unjust for a man to be deprived of his power of obtaining a judicial rent, and of having his case for a fair rent put before the Commissioners for the reasons named by the hon. Member.

MR. BIGGAR said, one part of the answer of the right hon. Gentleman was more or less—rather less than more—satisfactory. He stated that tenants arrested would have an opportunity of putting their case before the Court. Now, they had a great deal of experience as to the promises of the right hon. Gentleman, and it would have been more satisfactory had he been a little more explicit in his reply. Then, with regard to the other part of the question, his reply was most unsatisfactory, for they were always led to believe that no imprisonment would take place unless the right hon. Gentleman himself specially and carefully examined the charges made.

MR. W. E. FORSTER said, that he did examine the cases personally; but he declined to make a statement from memory when he had not received Notice and had not the Papers before him.

MR. BIGGAR thought it remarkable that, having examined the cases, the mind of the right hon. Gentleman should appear to be a perfect blank on the subject. The replies of the right hon. Gentleman conveyed the impression that the right hon. Gentleman knew nothing of the case. They would require every statement made by the right hon. Gentleman put down on paper, and a rigid examination of details.

MR. HEALY asked if it was the invariable rule of the right hon. Gentleman to look into every case? If that were so, it was a matter of some satisfaction, for he would rather fall into the hands of the right hon. Gentleman than those of Under Secretary Burke. They knew that the right hon. Gentleman had, unfortunately, been led astray, while the

bent of the mind of Mr. Burke was against the tenants. He was a most odious tyrant in every relation with his tenants. He presumed that the "reasonable suspicion" on which those men were arrested arose from the moral consciousness of the right hon. Gentleman. In the Irish Office there ought to be kept a *précis* stating opposite each man's name the grounds on which he was arrested.

MR. W. E. FORSTER repeated that he looked into every case; but if he had had Notice he would have been able to give a more precise answer. He must, in the strongest possible terms, repudiate the description which the hon. Member for Wexford (Mr. Healy) had given of Mr. Burke, and he defied the hon. Member to get that description endorsed by the tenants. He believed there was rarely to be found a man who was more sympathizing with the tenants or more ready to redress hardships than Mr. Burke.

MR. HEALY said, that, last year, cases were brought forward in that House in which Mr. Burke had rack rented and oppressed tenants.

MR. W. E. FORSTER said, that no case of the kind had been proved.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—considered in Committee.

(In the Committee.)

CLASS II.—SALARIES AND EXPENSES OF CIVIL DEPARTMENTS.

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £5,027, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Department of the Queen's and Lord Treasurer's Remembrancer in Exchequer, Scotland, of certain Officers in Scotland, and other Charges formerly on the Hereditary Revenue."

MR. FINIGAN said, he wished to put one or two questions to the noble Lord the Secretary to the Treasury before this Vote was agreed to. First of all, he wanted to know what was the meaning of the item under the heading B—"Lyon King of Arms, £500;" and

who was the personage who represented the Lyon King of Arms? He also desired to know what explanation could be given of the item "Secretary to the Bible Board, £600?" He should like to know what the Secretary to the Bible Board had to do, and also what was the particular duty of the Bible Board itself? He hoped the noble Lord would furnish some information as to the persons employed by the Bible Board. The Committee ought to understand what they were asked to vote the money for.

LORD FREDERICK CAVENDISH stated that the Lyon King of Arms was the Chief of the Herald's College in Scotland. With regard to the Bible Board, he believed its duties were to see that there were no inaccurate copies of the Bible published in Scotland. It was, of course, well known to hon. Members that in England the Bible could only be printed by the two Universities and by the Queen's Printers; but in Scotland Bibles might be printed by any printer, and, consequently, it was considered advisable that there should be a check upon the issue of copies of that Book, so as to make sure that inaccurate copies should not be published. The expense of this had been charged on the public for ages past, and it only amounted to a small sum.

MR. T. P. O'CONNOR asked the noble Lord if there was any plea for the *advocate de diaboli* of the *index purgatorius* in Scotland, because, if there was, something could be said for the keeping up of this charge.

MR. HEALY asked if there were any means of preventing any person who wished to do so from publishing an inaccurate version of the Bible? Was there any law under which anyone who wanted to publish a Bible with a chapter or verse left out must send a copy to the Secretary to the Bible Board, who would have to certify as to what had been left out?

MR. ARTHUR O'CONNOR wished to be informed what was the duty of the Bible Board, with regard, for instance, to the newly revised edition of the New Testament?

MR. JUSTIN M'CARTHY said, he should like the noble Lord the Secretary to the Treasury to inform the Committee what were the duties and functions of "Her Majesty's Limner," whose salary

Mr. Healy

was stated in the Vote at £97. What was it that he was required to draw or paint?

LORD FREDERICK CAVENDISH said, all he had to say in answer to the questions that had been put to him was that some of these charges were relics of the ancient Scottish Monarchy, and were the only ones that now survived in connection with the numerous appointments attached to the ancient Scottish Court. He was not very well acquainted with the details in connection with some of the matters referred to, and he thought the Solicitor General for Scotland would be better able to answer the question put with regard to the law on the subject of the publication of the Bible in Scotland. It was his belief, however, that it was requisite that a copy of every new edition should be sent to the Bible Board.

MR. LEAMY asked whether, supposing an incorrect copy of the Bible were printed in England, the Bible Board in Scotland would have power to stop its circulation in that country?

LORD FREDERICK CAVENDISH believed that the duties of the Bible Board were simply confined to Bibles printed in Scotland.

MR. BIGGAR wished to ask what were the duties of the Law Agent to the Bible Board in Scotland? This appointment seemed to him to be the most curious appointment in connection with the Board. He thought the noble Lord ought to be able to give some information on this point. He should like to know what were the duties both of the Secretary and of the Legal Adviser to the Bible Board?

MR. HEALY said, he should like to know whether if a Catholic printer were to publish the *Douai* version of the Bible, he would be bound to submit a copy of it to the Bible Board—whether, in fact, the Catholic version of the Bible could be printed in Scotland?

MR. LABOUCHERE said, he should like to put a further question to the noble Lord, and that was, whether the office of Secretary to the Bible Board was a sinecure or not? If it were not a sinecure, he apprehended that that officer would have the very pleasant task of looking at every Bible that crossed the Scottish Border in order to see whether it was the correct version. Was it a part of his duty to do this?

In fact, was the appointment a sinecure, or was it not? The Committee had already been satisfied about the office of Lyon King of Arms, because the office was one that brought in something; but with respect to the Secretary to the Bible Board, he could not see that the office was one that did any good to the inhabitants of Scotland, or to any other part of the world, the only advantage of the payment of £600 per annum being that the money went into the pocket of some gentleman who had nothing to do in return for it.

MR. DICK-PEDDIE said, the Bible Board had no right to interfere with the publication of any edition of the Bible unless it professed to be the authorized version. Any person in Scotland might print and publish any other version as he pleased. He might publish a new and altered translation and no one could interfere with him. There was not less liberty in Scotland than in England as to printing the authorized version. In England it could be printed only by the Universities or the Queen's Printer. In Scotland it could be printed or published by any man if he received the attestation of the Board as to its accuracy. The office of Secretary to the Bible Board was not a sinecure; but, at the same time, he was of opinion that it was one that might be abolished with advantage.

MR. BIGGAR said, no information had as yet been given in reply to his question as to the Law Agent of the Bible Board, and very little with regard to the Secretary, and for this reason he begged to move that the Vote be reduced by the amount payable to the Secretary and the Law Agent of the Bible Board.

THE CHAIRMAN: Both the Secretary and the Law Agent?

MR. BIGGAR said, he meant to include both in his Amendment.

Motion made, and Question proposed,

"That a sum, not exceeding £4,187, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Department of the Queen's and Lord Treasurer's Remembrancer in Exchequer, Scotland, of certain Officers in Scotland, and other Charges formerly on the Hereditary Revenue."—(*Mr. Biggar.*)

LORD FREDERICK CAVENDISH said, he found that the Secretary had an

officer under him who was a printer by profession, and who was employed as reader in the technical work of revision. The Secretary also had to provide office rooms and papers.

SIR JOHN HAY said, he had been about to ask the Solicitor General for Scotland for some information, because he thought the hon. and learned Gentleman might throw some light on the question. He believed he was right in saying that the office of Queen's Printer in Scotland was abolished some 30 years ago. That office used to entail a charge of £8,000 a-year on the public, and in its place the present arrangement had been made. Of course, whoever bought a Bible, like a person who bought butter, wanted to buy the real thing, and although any person in Scotland might, if he pleased, print copies of the Bible, he must not print an unauthorized version. If he did, the public would not have that which they desired to have; but if this Vote were abolished, every person who wanted the correct version would, in future, be obliged to go to the Oxford or Cambridge Press for it.

MR. HEALY said, he would suggest that his hon. Friend should be content with the protest he had made; but he did not understand why they should spend £840 on the two offices that had been the subjects of discussion.

MR. LEAMY did not see why they should have in the office of Law Agent to the Bible Board a permanent official at a salary of £240 a-year, which was to be paid whether he had been engaged in any prosecutions or not; nor did he see why, in the case of the Secretary, it should not be incumbent on the Board to engage a lawyer who might institute prosecutions in case of any breach of the law.

THE SOLICITOR GENERAL FOR SCOTLAND (MR. J. B. BALFOUR) said, he was not aware of any recent cases in which prosecutions had been instituted. He believed the practice was that proof sheets of every proposed edition of the Bible were sent to the Secretary of the Bible Board, and when these had been gone over by the reader, the Secretary also went over them, and they were then submitted to a meeting of the Board, the meetings being held periodically. If necessary, corrections were made, and these were sent back to the respective printers, who sometimes would incur a

good deal of cost in making the alterations.

MR. ARTHUR O'CONNOR wished, before the Vote was put to the Committee, to ask a question which he regarded as a pertinent one. He wished to ask the Solicitor General for Scotland whether it was not a fact that the Secretary to the Bible Board got £800 a-year, and gave £100 a-year to a tradesman who did the work for him, he putting the remaining £500 a-year into his own pocket for doing nothing? This arrangement was merely because it was necessary to keep up a show of doing some work; but, practically, as far as the appointment of the Secretary was concerned, the office was a mere sinecure. With regard to the appointment of Law Agent, that was also a sinecure; and he believed he was justified in saying that if proceedings were taken at the instance of the Bible Board against a printer for infringing the law, the expenses of the prosecution came out of a totally different Vote. It was, therefore, by no means necessary that the allowance for Law Agent should be continuous, as it was now.

THE SOLICITOR GENERAL FOR SCOTLAND (MR. J. B. BALFOUR) said, he could not state what the arrangement between the Secretary and the reader was, but no doubt there was some arrangement between them. The results of the duties performed were, as he had already stated, submitted to the Bible Board at their periodical meetings, with such observations as the Secretary had to offer. With regard to the appointment of Law Agent, he was afraid he could not add to what had already been said on that point. All he knew was that the office was one that was still retained.

MR. WILLIAMSON said, he was afraid that the continuance of these offices kept the door open to a form of abuse. He sincerely hoped that such an expression of opinion as had already been given on this subject would lead to this result—that while the present holders of the offices referred to should be permitted to retain them for the rest of their lives, it would be impossible for any Government to continue the appointments. There was an evident abuse which, being perpetrated in the name of the Bible, rendered it all the more intolerable.

Mr. BIGGAR said, he was much pleased to hear what had fallen from the hon. Gentleman (Mr. Williamson) who had just sat down. He wished to put this question to the Representatives of Her Majesty's Government—Would they give a distinct pledge that they would not re-appoint men to these two sinecure offices? So far the Government had been exceedingly unwilling to let the Committee know what were the facts of the case; and it would have been far better had the hon. and learned Gentleman the Solicitor General for Scotland come forward at once, and stated what he knew about the matter under discussion.

LORD FREDERICK CAVENDISH said, he could assure the Committee that there would be no new appointments to these offices without the question being carefully investigated.

Mr. OALLAN said, he thought the statement just made by the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) was very satisfactory; but he would have saved a good deal of wasted time if he had made that statement before, and had said not only that no future appointment would be made to either of the two sinecure offices, but that no such appointment should be made without submitting the matter to that House. If, in the course of the coming winter, one of these officials should die, what course would the Government be likely to take? There ought to be some pledge that it should not be filled up without the sanction of the House.

Mr. GLADSTONE: It would not be filled up without the sanction of Parliament.

Mr. BIGGAR said, after what had just fallen from the Prime Minister, he would, with the permission of the Committee, withdraw his Amendment. He should like, however, to say, with regard to the Queen's Plates that were given for racing purposes in Scotland, that he was very sorry to see these items upon the Votes. He was well aware that in saying this he differed in opinion from some of his hon. Colleagues upon the subject of horse-racing; at the same time, he made it a rule which he did not like to break to oppose the Vote of money for such purposes, and if any other hon. Member would support him, he should

certainly move to omit the sums put down for these Queen's Plates.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £9,239, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Fishery Board in Scotland and certain Grants in Aid of Piers or Quays."

COLONEL ALEXANDER wished to say a few words on behalf of his constituents the fishermen on the coast of Ayrshire, between Ballantrae and Girvan. This was one of the most important herring fisheries in Scotland. The fishing took place in February and March. Outside the great spawning bed at Ballantrae there were considerable trawling grounds, where great quantities of cod and other fish used to be taken by lines; but the beam-trawlers had swept away the lines, and the fishery was destroyed. The fishermen had asked him (Colonel Alexander) to forward a Petition to the Fishery Board against beam-trawling. He had received a courteous answer from the Secretary that he could do nothing. In the year 1866 a Sea Fisheries Commission was appointed, consisting of the present First Commissioner of Works (Mr. Shaw Lefevre) and Mr. James Caird, a distinguished agriculturist. This Commission arrived at the curious conclusion that beam-trawlers were Free Traders and ought to be encouraged, whereas those who opposed beam-trawling were Protectionists and ought to be discouraged in every possible way. In 1878 another Commission was appointed, consisting of the late Mr. Buckland, Mr. Walpole, and another gentleman, which arrived at a different conclusion. The Commission reported that the Ballantrae fishermen had made out a strong *prima facie* case against beam-trawling inshore, and thought the Legislature should give the Secretary of State power to stop beam-trawling inshore should it be necessary to do so. He (Colonel Alexander) wished to know whether the Secretary of State (Sir William Harcourt) would carry out the recommendation of the Commission, and ask Parliament for power to stop beam-

trawling inshore at any place where he might consider it necessary so to do?

SIR JOHN HAY said, he was able to confirm what had fallen from the hon. and gallant Member (Colonel Alexander). His (Sir John Hay's) constituents were largely interested in this question. There were numbers of these hardy and excellent fishermen who, when they went to sea, found their legitimate occupation seriously interfered with by trawling vessels coming from a distance. It seemed to him that the recommendation of the last Commission ought to be attended to by the Home Secretary; for although he had great esteem and respect for Mr. James Caird, he did not know that his knowledge of sea fisheries was very extensive. He (Sir John Hay) had paid great attention to the Reports of the Commissions, and he did not see why the advice of the later Commission should not be acted upon. There was no doubt that great mischief was done by the trawlers to the legitimate occupation of the fishermen on the coast. They were a set of men who were hardy and excellent fishermen, and well deserving of encouragement. There was plenty of room outside the line fisheries for the trawlers, and he trusted the Government would give effect to the recommendation of the last Commission.

MR. WEBSTER said, the question now under discussion had been brought forward by him at an earlier period of the Session, and the Motion he had then submitted was negatived on a division. He was glad to find that hon. Gentlemen opposite were now inclined to concede the principle for which he had contended; and what they had said encouraged him to hope that when this question was brought forward in another Session he should be supported by those hon. Gentlemen. At present, however, the question had been decided by what had previously taken place.

SIR JOHN HAY wished to say that although the hon. Member (Mr. Webster) had his entire sympathy in the Motion he had formerly submitted, that Motion was brought on at an hour in the morning when he (Sir John Hay) did not happen to be present. It was, however, a matter with which he hoped the Lord Advocate might interfere in the sense suggested by the hon. Member for Ayrshire (Colonel Alexander) and himself.

COLONEL ALEXANDER said, he hoped the Home Secretary would give a reply to the point he had raised. It would only be necessary for him to interfere in those cases where he might think it necessary to do so.

LORD FREDERICK CAVENDISH said, it was unfortunate the Lord Advocate was not in his place when the question was opened, and he did not think that the Representatives of the Treasury were well qualified to decide this question. He could only say that the facts would be brought before the Lord Advocate.

MR. ARTHUR O'CONNOR said, he had received several letters from Kerry with reference to an item in this Vote, which was regarded with a good deal of jealousy by all the fishing interests in Ireland. They complained that the Irish Members gave their consent for the voting of public money for certain purposes in Scotland, when similar grants were persistently refused to the interests in which they were concerned in Ireland. He referred to the item "Cutter and Boat Service; Pay of Officers and Crew of Cutter; Victualling; Repairs and Service Stores—Fishery Station Votes amounting to £2,480." It was of great importance to the fisheries on the Coasts of Ireland that they should be protected; but they were not. As a matter of fact, they suffered a great deal from the trawlers, who also frequented the Coast of Scotland, as well as from the great misconduct of the number of foreign fishermen, principally French, who habitually broke their nets. He believed that the Scotch fishermen, in common with the English and Irish fishermen, had sustained much injury from the Belgian fishermen, who made use of instruments which were called "Belgian devils." The cutter mentioned in this Vote had proved of great service in protecting the Scotch fishermen from the depredations committed by these foreigners, and it had also been useful in maintaining the peace and preventing dangerous quarrels among the Scotch fishermen themselves. The Irish fishermen suffered from the same evils, and the Inspectors of Fisheries had repeatedly made urgent representations as to the advisability of establishing a good Cutter Service in the Irish waters, such as was voted by the House in favour of the Scotch fisheries year after year. But

Colonel Alexander

the Irish fishermen had hitherto found it impossible to secure due attention on the part of the Government to this very reasonable application, and it therefore became necessary that the Irish Members should make a distinct stand upon this point. He was sorry to appear to oppose the Scotch Vote, especially as he was inclined to think that the Scotchmen did not get so much from the Imperial Revenue as they had a fair right to in many instances, and he was, generally speaking, inclined to support the Scotch Members in the representations they made as to the inadequacy for the sums voted for the Scotch Service. But on this occasion he felt it necessary to exceed the representations that had been made to him from Kerry. Therefore, he should move the reduction of this Vote by the sum of £2,430, in the hope of being enabled to obtain some assurance from the Government that the claims of Ireland in this matter should receive the same treatment as those of Scotland.

Motion made, and Question proposed,

"That a sum, not exceeding £6,809, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Fishery Board in Scotland and certain Grants in Aid of Piers or Quays."
—(Mr. Arthur O'Connor.)

LORD FREDERICK CAVENDISH was understood to say that much consideration had been given to the subject before it was decided to send a vessel to the Scotch Coast. A greater number of Scotch fishermen were employed there than the number of Irish fishermen on the Irish Coast; and it did not follow that because a gunboat had been placed off the Coast of Scotland to prevent the depredations of foreign vessels, that one should also be sent to the Irish Coast for police purposes. He was not aware that disturbances had occurred in connection with the Irish fisheries; but if, on examination, it was found to be necessary, a gunboat would be sent.

MR. T. P. O'CONNOR said, he thought the mind of the noble Lord was still insufficiently impressed with the importance of this question. In the Report of the Fishery Commission of 1879 he found an expression of opinion that there ought to be a properly equipped vessel on the Irish Coast, for

the purposes of carrying out fishing experiments and discovering new fishing grounds. He did not think the noble Lord had any claim whatever to take further time for the consideration of this matter. As long as there has been a Report from the Fishery Commissioners, so long had there been a paragraph in it demanding that a vessel should be sent to the Coast of Ireland, and the Inspectors of Fisheries had declared, on their own responsibility, that a necessity existed for this gunboat. There had been a discussion a few days ago upon the subject of the Irish fisheries, and the Chief Secretary for Ireland had, upon that occasion, given an assurance which was satisfactory as far as it went.

THE CHAIRMAN pointed out to the hon. Member for Galway that, although it was allowable by way of illustration to show that there was no Vote for a gunboat off the Coast of Ireland, it was not competent to him to discuss the question of the Irish fisheries upon the Scotch Vote.

MR. T. P. O'CONNOR thanked the Chairman for his ruling. He had quoted the Report of 1879 by way of illustration, and would conclude the few observations he had to make by a reference to the Report of 1880, which said that "the attendance of a gunboat or two was necessary during the mackerel season to protect the fishery." The Commissioners of Irish Fisheries were every year pressing this question upon the Government; the hon. Member for Waterford (Mr. Blake) had also, on more than one occasion, brought it before the House, and he had never heard him speak upon the subject without impressing the immense necessity which existed for placing a gunboat off the Irish Coast, for the purpose of protecting the fisheries. He therefore trusted that the Government would lose no more time in carrying out this recommendation.

MR. LEAMY said, that the Committee were not only asked to vote £2,430 for Cutter and Boat Services, but there was also a charge of £200 for salary of the commanding officer of the *Vigilant* cruiser, besides £100 for salary of the commanding officer of H.M.S. *Jackal*, and another sum of £50 in connection with the gunboat. It would really seem as if the whole Navy were concerned in the protection of the Scotch fisheries;

but, leaving that point out of the question, he was quite at a loss to understand why the commander of the *Jackal* should receive £100 in addition to his naval pay.

MR. DICK-PEDDIE said, the Scotch Members had quite recently shown their readiness to support measures for the development of the Irish fisheries; but what they were asked to do now, as a means of aiding Ireland, was to acquiesce in refusing the Vote for the fisheries of their own country. That might be an Irish way of securing the desired end, but it was certainly not a Scotch one. He hoped that the Irish Members would give up their opposition to this Vote.

SIR JOHN HAY said, he would remind the hon. Gentleman who had just addressed the Committee that the course adopted by hon. Members near him was the only means they had of calling attention to the necessity which they believed existed for placing a gunboat in Irish waters. He could assure the Committee that no better service was done than that performed by the *Vigilant* and *Jackal*; and he trusted hon. Members for Ireland would not wish to improve the Irish fisheries so far as to remove these vessels from the Coast of Scotland. He approved strongly the stationing of gunboats of the Navy at various places for the purpose of protecting the fisheries, because, amongst other reasons, it gave their officers and men excellent experience of waters which it required much skill to navigate. He was entirely opposed to stopping the *Jackal* and the *Vigilant* in their work off the Coast of Scotland; but he should be glad to hear that Her Majesty's Government were prepared to do what was requested by Irish Members, if necessary.

LORD FREDERICK CAVENDISH explained that the extra pay to the commanding officer of the *Jackal* was for work done in connection with the Scotch fisheries, which was much more difficult than that which was usually performed by naval officers. If upon further examination it was found that a gunboat was required off the Irish Coast for the purpose indicated by hon. Members opposite, he should be glad to do everything in his power to persuade the Board of Admiralty to station a vessel there. The question of disputes between English and foreign fishermen would be

discussed at the International Congress, which was shortly to meet at the Hague. He must remind the Committee that the reason for sending a gunboat to the Scotch Coast was very different to that which might exist in the case of the Irish fisheries. It was purely a matter of police as regarded Ireland, and he could hardly believe that the same state of things existed off the Irish Coast as off the Scotch Coast.

MR. E. COLLINS said, he was perfectly sure there was no disposition on the part of his hon. Friends to reduce the Vote for the Scotch fisheries. The question of having a cutter in Irish waters had been discussed during the last few years by those interested in the Irish fisheries; and the Irish Fishery Commissioners had impressed upon the Government the desirability of sending a boat for the purposes they had indicated. But he would like to mention, for the information of his hon. Friends, that there was a great distinction to be drawn between the objects contemplated by the Irish Fishery Commissioners and matters of police. He also reminded them that a gunboat was sent to the Irish Coast, and occasionally a cruiser, which looked after the Irish fisheries. For these services no separate Vote was taken in the Estimates, but it formed a charge upon the Admiralty.

MR. ARTHUR O'CONNOR said, it was not his intention to proceed to a division; but he had felt it to be his duty to take formal notice upon this Vote of the different treatment accorded to Scotland and Ireland. In asking permission to withdraw his Amendment, he begged leave to say that his appeal to the Government for the stationing of a vessel in Irish waters was made as much in the interest of the Scotch as of the Irish fishermen. A Return showed that in one season there were 60 English, 115 Irish, and 187 Scotch vessels engaged on one Irish fishing ground, while further down the coast, at Ardglass, as many as 213 Scotch vessels were engaged. The placing of a vessel on the coast would, therefore, be for the advantage of the Three Countries. He might also mention that inasmuch as the Scotch boats were larger than the Irish, their interest in the matter was proportionately greater. It was not only for police purposes that this was required, but for the protection of fishermen and fishing pro-

fishermen. The Report stated distinctly that it was necessary that a cruiser should be stationed off the coast of Kerry and Cork for the protection of the mackerel fishery from those depredations. When the question again presented itself he trusted that, for the reasons he had stated, they would receive the support of Scotch Members in aid of the claim for a boat to be stationed off the Coast of Ireland.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(3.) £3,944, to complete the sum for the Board of Lunacy in Scotland.

MR. WEBSTER said, he had been requested to bring forward a question which was the subject of a Petition he had presented to the House from the Convention of Burghs. The question was as to whether it was not desirable that the Lunacy Board should be merged into the Board of Supervision for the Relief of the Poor in Scotland. The Committee would observe that the charge under this head was considerable—namely, £5,944, of which £3,200 was for the salaries of Senior Commissioner, Commissioner, Senior Deputy Commissioner, and Deputy Commissioner; and these gentlemen, in addition to the amount of their salaries, had an allowance for travelling expenses of £1,000. There were also a secretary and a staff of clerks, whose salaries brought the total amount under that head to the sum of £4,864. Now, it had been very clearly pointed out by the Convention that a great part of the business of the Lunacy Commissioners was devoted to the oversight of pauper lunatics, most of whom were kept in the parochial poor-houses, which were under the direct charge of the Board of Supervision of the Poor in Scotland. It, therefore, deserved grave consideration whether the business of the Lunacy Commission might not be superseded and merged, as he had before said, into the department of the Board of Supervision, whose business underlay and embodied the greater part of that of the Lunacy Commissioners. He confessed he had up to the present time not been able to get sufficient information to justify him, with due respect and regard to the Committee, in proposing on that occasion absolutely to do away with the Commis-

sion; and he, therefore, confined himself to giving Notice that if, upon further consideration, it appeared to Scotch and other hon. Members that this Commission had seen its day, and that it should be merged into the department for the relief of the poor, the question would be deliberately raised again next year.

THE LORD ADVOCATE (Mr. J. M'LAREN) pointed out that the Lunacy Commissioners were appointed for the purpose of carrying out certain Acts of Parliament. They were medical men, and performed duties with respect to all public and private lunatics throughout Scotland; and, under the circumstances, he did not think that the staff was more than adequate for the requirements of the service. It might be that on some grounds the union of the department with the Board of Supervision of Relief to the Poor was desirable; but he could hold out no prospect that it would take place.

Vote agreed to.

(4.) £5,748, to complete the sum for Registrar General's Office, Scotland.

(5.) £5,582, to complete the sum for Board of Supervision for Relief of the Poor, and for Public Health, Scotland.

MR. ARTHUR O'CONNOR wished to elicit from the Government some explicit statement as to their intentions with regard to the sum of £10,000 which appeared as a grant in aid of medical relief under this Vote. It was a matter of just complaint in Scotland that this grant was limited to so small a sum as £10,000, having regard to the very lavish expenditure for the same purpose in England. He believed the Prime Minister had on the previous day expressed some intention of dealing with the matter in speaking on the Motion of the hon. Member for Ayrshire (Mr. Cochran-Patrik); but it had not been easy to gather exactly what it was that the Prime Minister was desirous to convey. He would, therefore, be glad to know whether the Government proposed to ask for any Supplementary Estimate this year for the purpose of rectifying the existing inequality?

LORD FREDERICK CAVENDISH said, it would not be possible for him to add anything to the explicit statement made by the Prime Minister, and which, he believed, was perfectly understood by all Scotch Members. He should regard

perty against the depredations of foreign it as simply a waste of time to attempt any further explanation.

MR. ARTHUR O'CONNOR said, he believed that hon. Members below the Gangway on that side of the House were entitled to a civil reply from the noble Lord when a question affecting the expenditure of public money was addressed to him. He wished to elicit from the noble Lord whether the Government intended to make any immediate alteration in the arrangements which at present existed with respect to the Medical Board in Scotland, and whether, in order to do so, it was proposed to enlarge the Vote by a supplementary sum?

LORD FREDERICK CAVENDISH said, the Prime Minister had distinctly stated that no change would be made this year, but that the matter would be considered next year.

Vote agreed to.

Resolutions to be reported.

Motion made, and Question proposed,

"That a sum, not exceeding £4,270, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries of the Officers and Attendants of the Household of the Lord Lieutenant of Ireland and other Expenses."

MR. FINIGAN said, he objected to this Vote *en bloc*, and, in saying that, he wished to state that his objection was not to any individuals, but to the whole system of paying for the Household of the Lord Lieutenant in Ireland. He had heard, in that House and elsewhere, great speeches delivered on the tyranny of government in certain countries; but he would not now refer to any other system of government than that at Constantinople, which was, in his opinion, the only one which could be reasonably compared with the English system of government in Ireland, and he was quite aware that the Lord Lieutenant's Household in Dublin was kept up on a somewhat similar principle to that which regulated the household of a Pasha under the Turkish rule. He protested against, and was bound to oppose, any system, with all its surroundings, that supported a tyrannous rule in Ireland, and which kept up a permanent staff of effete officials such as that provided for in this Vote. He found that the salaries for the House-

hold of the Lord Lieutenant amounted to £3,631. Now, he said that a household which took so large a sum of money must be of an extravagant kind, and it was very hard for Irish Members to be asked to vote £3,631 to maintain a household which directly supported a wretched system of government. For that reason he should vote against the charge. Then there was another item, under sub-head D, for the Ulster King-at-Arms, to which he had last year called the attention of the Committee. Happily, there were no Kings in Ireland; and there they did not want even an Irish King, and certainly not the anomaly called the Ulster King-at-Arms. For his own part, he thought that Kings and Ireland would do very well apart, and that the Irish people would be much better without either the realities or emblems of Royalty. Besides the amount of salary paid to the Ulster King-at-Arms, he saw, on referring to a foot-note, that he received £500 a-year as Keeper of State Papers. Now, this system of giving duplicate offices to one individual had been common in England, and much more common in Ireland, and such offices, as a general rule, were State rewards to persons who had rendered services, not to Ireland, but to those who misruled it. Therefore, he opposed the Vote, first, on account of the Ulster King-at-Arms holding duplicate offices, to which he objected on abstract grounds, and secondly, because he objected to the office itself. He further objected to the item of £25 for emblazoning arms. In moving that the Vote be reduced by two-thirds of the whole total, he expressed a hope that Irish Members would divide against this charge again and again, not in opposition to the individuals included under it, but in opposition to, and as a protest against, a system of government which, he thought, should be done away with as quickly as possible. He wished to see Ireland ruled, if it must be so ruled, in accordance with the so-called Act of Union, which had been violated in spirit and word, in equity and in law, and in every possible way. He begged to move that the Vote be reduced by two-thirds of the total amount.

Motion made, and Question proposed,

"That a sum, not exceeding £1,423, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course

Lord Frederick Cavendish

of payment during the year ending on the 31st day of March 1882, for the Salaries of the Officers and Attendants of the Household of the Lord Lieutenant of Ireland and other Expenses."—(Mr. Finigan.)

Mr. ARTHUR O'CONNOR asked whether he would be in Order in afterwards moving a reduction of the Vote by the sum of £1,800 for salaries of the Household of the Lord Lieutenant?

The CHAIRMAN said, the hon. Member would be in Order in moving the reduction of the Vote by £1,800, but not the reduction of an item after a reduction had been moved on the total.

Mr. ARTHUR O'CONNOR said, in that case he would ask his hon. Friend to withdraw the present Motion, to enable him to move the reduction of the household expenses.

The CHAIRMAN said, he had given the hon. Member for Ennis (Mr. Finigan) an opportunity to do so; but he had decided to move the reduction of the total, and it would, therefore, not be competent to the hon. Member for Queen's County to move the reduction of an item.

Mr. W. E. FORSTER said, he understood the hon. Member for Ennis to make his Motion upon two grounds. His first objection was to the Vote *en bloc*; but he (Mr. W. E. Forster) presumed that as long as the Lord Lieutenantcy of Ireland was kept up the Committee would vote the sum necessary for maintaining the present form of government in Ireland. The hon. Member then especially objected to the charge for the Ulster King-at-Arms. This Vote was similar to that for the Lyon King-at-Arms, and he found that the present occupant came into office in 1853, when it was fixed that his salary was to be £300 a-year in addition to fees. But by a Treasury Minute of the 25th February, 1872, it was settled that the salary was to be £750 in lieu of fees. Since that time fees had been paid into the Exchequer to the amount of £6,015, by which it would be seen that the Treasury had been gainers of a considerable sum annually. He understood also that the office was not to be again filled up without the consent of the Treasury—that is to say that, on the office becoming vacant, there would be an opportunity of considering whether it should continue or not. With regard to the duties of the Keeper of State Papers, he

wished to observe that they were performed by the Ulster King-at-Arms in the most efficient manner, and that the amount charged in the Estimate for the services rendered were no more than an adequate remuneration to that officer.

Mr. T. P. O'CONNOR observed, that the right hon. Gentleman apparently had not thought it right to make any reply to the general observations of the hon. Member for Ennis. He joined with his hon. Friend in his strong objection to Royal Courts, under all circumstances; and if he objected to Royal Courts *à fortiori*, he objected to Vice-regal Courts which were very shams, and he contended that the effect of the Vice-regal Court on the people of Dublin was to bring to the surface all the snobbish elements of society. Such persons had for a long time uniformly opposed everything in the shape of the regeneration of the Irish nation and the advance of public opinion. If in London anyone desired to find a class of persons a little below the Corporation of the City, it would be necessary for him to go to those parts of the Metropolis where the Royal tradesmen "most do congregate," and then it would be found that every proposal emanating from the party which represented progress and improvement was met with uniform opposition on the part of these hangers-on of Royalty. It was precisely the same in Dublin. In that city there was no resident aristocracy, but in its place there was a number of officials, professional men, and tradesmen. The Vice-regal system in Dublin was kept up by various expedients, notably amongst others by the influence of the weaker sex. If you wanted a professional man to take any manly and straightforward action upon a question of policy in Ireland, he would be sure to be got at by the patronage which, in the shape of large salaries, the English Government had under its control in Ireland, and which were kept up to an extravagant figure simply because they were not the rewards of professional ability, but because they were bribes by which the talent of the country could be kept in the anti-national ranks. But he would be completely secured by the female belongings of the Lord Lieutenant, and an invitation to a ball was one means by which the Government in Ireland was propped up by the Lord Lieutenant and

the Chief Secretary. With regard to the present holder of the office of Lord Lieutenant in Ireland he had nothing to say beyond that he worked in silence and secrecy, and that he had probably blushed occasionally to find himself famous by allusions which Irish Members were compelled to make in that House to some of his operations. He had nothing to urge personally against the present holder of the office, whom he believed to be a high-minded nobleman; but he pointed out that they were dealing with a country the majority of whose inhabitants at the present moment were in such a state of destitution that the Government had been obliged to overthrow on their behalf the principles which related to the land. It was in such a state of things that there was a Lord Lieutenant in Ireland with a salary of £20,000 a-year and a household which was charged at the additional sum of £3,631. And, then, in order that his religious wants might be attended to, he was provided with a chaplain whose salary and allowances amounted to £780. Finally, there was the Ulster King-at-Arms with the salary of £750 a-year, who, although he had never had the pleasure of seeing him, he presumed belonged to something in the nature of the order of beadles. However that might be, to spend £750 in a wretchedly poor country, for the purpose of keeping up this miserable and ghastly remnant of feudal days, was rather too much to propose in a House composed of Liberals pledged to economy. This question had been brought before the Committee on previous occasions by the hon. Member for Burnley (Mr. Rylands) and by the late Joseph Hume, who repeatedly asked that a change should be made; and whenever the opportunity should present itself of following in the footsteps of the latter, whom he regarded as a trustworthy guide in political questions, whether English or Irish, he should protest against this Vote in the belief that he would, by so doing, act in conformity with the wishes of the English and Irish people. When he contrasted the poverty of the people of Ireland with the enormous expenditure on State officials, he regarded the latter as the embodiment of the worst form of foreign customs which existed at the present day; and for that reason, and

Mr. T. P. O'Connor

for the purpose of convincing the Government of their sincerity, he trusted his Colleagues would always meet this Vote with persistent hostility.

Mr. W. E. FORSTER said, the remarks of the hon. Member for Galway (Mr. T. P. O'Connor) rather conveyed the impression that the payment to the Ulster King-at-Arms was a loss to the country; but the fact was the reverse of this. The fees for the last five and a-half years which had been paid into the Treasury amounted to £6,015, as against five and a-half years' salary, which amounted to £4,135.

Mr. ARTHUR O'CONNOR said, he did not attach much importance to the item of Ulster King-at-Arms. After all, arms were but the hieroglyphics of nobility, and as such, perhaps, might be of interest to persons of an archaeological turn of mind. Although he was not opposed to the office in the hands of its present occupier, he hoped that when it became vacant, it would not be again filled up. If the Lord Lieutenant then chose to pay an officer of the kind out of his own pocket, no one could of course object to his doing so. But his objection to the Vote rested on larger grounds. He agreed with a Member of the present Government in saying that the whole system of administration by the Lord Lieutenant was a mockery and a sham. He had himself heard a Member of the present Government use these words, at a bye election, when he was endeavouring to obtain the Irish vote—

"We owe you," he said, "a debt; and as one who feels we have wronged you—not in his own person, but in those of his predecessors—I will endeavour, in connection with honest men, to wipe out the memory of those crimes and obliterate the last traces of English misrule in Ireland, and I hope the day is not distant when this farce of the Lord Lieutenant will be got rid of."

These were the words of one of the present occupants of the Treasury Bench. Moreover, he had heard an Irishman say in the House of Commons—

"I can understand what people talk about when they speak of the sunshine of Royalty, but the moonshine of Vicereignty is utterly incomprehensible."

But his objection to the office was not only that it was a sham and a mockery, but because the powers intrusted to the Lord Lieutenant had, to his mind, been grossly abused. That House had extended to the present Lord Lieutenant

and his Chief Secretary very exceptional powers, and such as had never before been extended to any authority in Great Britain. They had placed the liberties of the people of Ireland at the arbitrary will of two men, with regard to one of whom he must say that the present Lord Lieutenant had shown that he was very much given to that turn of mind which enabled him to see reasonable grounds of suspicion against men whom he and his subordinates or satellites might choose to represent as fit subjects for imprisonment. The Chief Secretary to the Lord Lieutenant had, in his place in that House, repeatedly stated that these powers were conferred in order that persons of bad character and unruly members of the community should be placed under restraint when it was found impossible by ordinary process of law to prevent them carrying out their mischievous designs. But the result of these powers was that the turbulent were at large, and that the village ruffians were safe and perfectly free. There was no single village tyrant in prison in Ireland under the Coercion Acts, and there was no single Queen's County landlord who for one moment was in apprehension for his personal safety. There was a tyrannous attitude towards the people that would go far to break the spirit and crush the independence of any population less elastic than the Irish people. But, on the other hand, the Chief Secretary had listened to interested representations—had given his ear to the persistent suggestions of men who, whether they were supported by Secret Service money or not, he (Mr. Arthur O'Connor) did not know, but who had instilled into him the idea that the men most trusted by the people were fit subjects for the exercise of his exceptional powers; and it was found from one end of Ireland to the other, men whose lives up to the present had been blameless, against whom no specific charge could be brought—men who were trusted—

THE CHAIRMAN: I would point out to the hon. Member that the right time to discuss this subject is on the next Vote for the Executive. This is simply a Vote for the Household.

Mr. ARTHUR O'CONNOR said, quite so; but he would do away with the Lord Lieutenant, and he would include the household in the condemna-

tion. He would recommend a "bag and baggage policy" for Ireland as complete as was suggested for Bulgaria. He objected to this household of the Lord Lieutenant, and he objected to the Lord Lieutenant himself. He supposed if there were no Lord Lieutenant there would be no necessity for the household, and therefore he objected to the expenditure for the household of the Lord Lieutenant. He wished to say that he did not make his observations with regard to the arrests in Ireland without personal knowledge. He had good personal knowledge of years standing with many of the men now imprisoned.

THE CHAIRMAN: I have pointed out to the hon. Member that the question of the arrests comes under the Vote for the Executive. This is simply a Vote for the Household, and his remarks are out of Order.

Mr. ARTHUR O'CONNOR said, as, of course, he was not in a position to challenge the ruling of the Chair, there was absolutely nothing for him to do but to submit to it, which, under the circumstances, he did. But he would go on to the next head of the Vote—the salary and allowances to the chaplain. The chaplain of Dublin Castle received £184 12s. 8d., and an allowance, in lieu of a furnished house, of £150—that was, in a round sum, £335 a-year for a chaplain for Dublin Castle. He was under the impression that the Lord Lieutenant for the time being must necessarily be a Protestant and a member of the Church of England, and the chaplain presumably would be a member of the same Church. This was a charge, therefore, for the appointment, in a Catholic country, and where the Church of England had been disestablished, and which was maintained out of the taxes upon a Catholic population, of a chaplain—to whose appointment a member of the same faith as the great majority of the people was not eligible. This appointment of a chaplain to the Lord Lieutenant, from which Roman Catholics were excluded, was a remnant from the days when the ecclesiastical supremacy of the majority of the people of this country was maintained in Ireland. He objected, therefore, to this pay to the chaplain to the Castle of Dublin; and the "reading clerk," of course, would come under the same condemnation, as did also the organist,

the master of the chair, and the keeper of the chapel. He did not know whether it was necessary to refer to the item of £1,562 for Queen's Plates to be run for in Ireland. He fancied that those who derived any benefit from these Plates did not belong to the great bulk of the people of Ireland; but as objection was not raised to a similar item in the Scotch Vote, he would not oppose this particular item. He regretted that it would not be in Order, according to the ruling of the Chairman, to discuss the conduct of the Lord Lieutenant in connection with the household provided for him by the House. His official residence—the Castle—had over its gates the emblem of Justice, and it was remarkably well placed, for its back was turned to the people.

MR. LEAMY said, the Committee had heard a great deal about the Ulster King-at-Arms; could the Chief Secretary give any information about another official, the "Kettle Drummer," and could he also say what were the duties of the "Serjeant of the Riding House?"

MR. HEALY said, he should like to ask a question with regard to some enclosures in Phoenix Park, and he thought the inquiry would properly come under this Vote. Why was it that the "swells" of Dublin, and none but those connected with the Castle, were allowed intakes from the Park for cricket and other purposes?

THE CHAIRMAN: This question would apply to a Vote which has been passed, Class I.

MR. HEALY said, of course, if it was out of Order he would not put the question; but he thought that the Committee, being now upon the Vote for Household Expenditure, this matter would come under it.

THE CHAIRMAN: No; it is not in the Vote at all.

MR. W. E. FORSTER said, as to the inquiry of the hon. Member for Waterford, the office of "Serjeant of the Riding House" was instituted in 1843, with a salary of £30 a-year, in lieu of the appointment of a Master of the Riding House, with a salary of £200. The "Kettle Drummer" was the only remnant of a band of a drummer and six trumpeters appointed in the days of Charles II. He received £61, and when the present holder of the office died the question of renewing the appointment would be re-considered.

Mr. Arthur O'Connor

MR. HEALY said, he should be glad to know if the Chief Secretary could inform him by whose instructions were the intakes from the Park in the neighbourhood of the Castle made, and whether they were permitted in favour of others besides those having connection with the Castle? He would also like to know if the state of friction still continued between the Veterinary authorities and the Lord Lieutenant with regard to the sale of milk? Formerly, the Lord Lieutenant sold his milk and his cabbages, and the result was that the Veterinary authorities of Dublin insisted that there should be the usual inspection, and the Vice-regal milk was for a time stopped. Did that state of things exist now, or had an Order in Council exempted Phoenix Park from that veterinary inspection, which was insisted upon in respect to other dealers in milk and keepers of cows?

MR. W. E. FORSTER said, as to the first question, it had been ruled by the Chairman as not being pertinent to the Vote. If the hon. Member would give Notice of a Question on the subject, he would endeavour to answer. As regarded the other point, he had heard of no state of friction, and he was not aware that the Lord Lieutenant sold milk and cabbages.

MR. HEALY said, his Predecessor did.

MR. FINDLATER said, he must protest against the idea that the people of Dublin had any wish for the abolition of the Lord Lieutenancy. He had been a citizen of Dublin for 40 years, and had every means of knowing that the views of the citizens were quite the reverse of those that had been put forward by hon. Members, who, after all, were not Dublin ratepayers.

MR. BIGGAR said, he was not prepared to dispute the statement of the hon. Member for Monaghan (Mr. Findlater) that a large proportion of the population of Dublin were in favour of the maintenance of the Lord Lieutenant. This would be found to be the case in the neighbourhood of every centre of the aristocracy. The small shopkeeping class in every village set more value upon the small amount of their sales to landlords and land agents than on all their other business. The same was the case in Dublin. All those who obtained custom from the Castle, or who got invitations to State balls or ceremonies, or

who were on terms with those who were sometimes invited, or who got employment directly or indirectly with regard to matters of this sort—all these were exceedingly anxious there should be no change. The vanity of women also showed itself in connection with the Castle ceremonies. But all this was what he objected to. Any political spirit that was displayed in other parts of Ireland never found moral support in the capital of the country; but, on the contrary, there were always objections and adverse criticisms from the parties in place, and those under their influence. Another objection to the present system was that the class of persons he had referred to—the genteel and semi-genteel people of Dublin—instilled into the ears of the Lord Lieutenant the most absurd and erroneous ideas as to the wants and wishes of the Irish people. Any good intentions he might have had no support. The Lord Lieutenant and the Government in Dublin were so earwigged by the shopocracy and the professional classes that they were misled as to what was desirable and what ought to be done for the good of the Irish people. Then he was justified as a taxpayer—as an Imperial taxpayer—in objecting to a Vote of this kind; and he did object to the Vote as a whole, and without reference to special items, though he did especially to the item for Ulster King at Arms, though the right hon. Gentleman very skilfully referred to the fees that some parties paid to this official. Why not leave him to the support he received from this source? Of course, if there was to be a Lord Lieutenant at all, he must have a household; but what was wanted was to get rid of the Lord Lieutenant and his household with him. It seemed to him that English and Scotch Members ought to assist Members from Ireland in getting rid of an unreasonable and anomalous expenditure, just as Irish Members would assist in putting an end to a useless expenditure in Edinburgh or elsewhere. He could not understand why English Members should insist on voting for expenditure for matters which were, in his opinion, at least, most unreasonable. Of the Lord Lieutenant himself he knew nothing, except that his name appeared as the signature to warrants for consigning prisoners to gaol. Nothing seemed to be known practically as to his

abilities or capabilities; he seemed to be a mere blind tool in the hands of wire-pullers, beyond which he did nothing. Surrounding him the Lord Lieutenant had secretaries and a staff of clerks; but it seemed an absurd thing that he should require this array of clerks, aides-de-camp, Steward of the Household, Gentlemen Ushers, and so on. All these were matters for which a Vote should not be asked, and he considered he was only doing his duty in refusing such a Vote. All these things had a tendency to demoralize and corrupt the genteel and semi-genteel population of Ireland, and the trading classes, who hoped to get occupation in connection with these offices. They lessened the influence of Members of Parliament and of public opinion, and encouraged a great amount of mischief, and, on the other side, not a word had been said in defence by the Chief Secretary.

MR. CALLAN said, he was not surprised that the Lord Lieutenant had not received any defence, because he believed that, if out of Office, the Chief Secretary would join with the political section to which he belonged in seeking to abolish the office, the Four Courts of Dublin, and every distinction that distinguished the capital of Ireland from the position of a provincial town such as Manchester or Liverpool. The hon. Member for Cavan (Mr. Biggar) did not represent the mass of the educated opinion of Ireland, for that mass was in favour of retaining the Lord Lieutenancy of Ireland, and with an increased brilliancy, if possible. It was regarded as one of the land marks of Irish Nationality. ["No, no!"] He had his own opinion as a Nationalist, and had expressed it before many of those who interrupted him were known in the political world. He looked upon this Lord Lieutenancy as a golden link to the Crown, and he looked forward to the time when instead of being a mere appanage to the Crown, one of the Princes of the Blood Royal would assume the office of Lord Lieutenant, and a son of Her Majesty open a Parliament in Dublin composed of Representatives of the opinions of the country. Those who had a stake in the country and were anxious for their country's prosperity wished to see that day, and he hoped to see it yet, though he was not so sanguine as he was some half-a-dozen years ago. But as to what

had been said of the opinion of Dublin, if that alone were favourable to the retention of the office of Lord Lieutenant, it would not merit much consideration, for Dublin was not the capital of Ireland so much as it was the capital of the flunkeyism of the country, and he would wish to remove the office of Lord Lieutenant from the dingy gilding that now surrounded it and to brighten it into a real Royal Court. He should vote for the retention of the Vote if the Amendment was intended as an expression of opinion against the office of Lord Lieutenant of Ireland.

Mr. REDMOND said, he thought it was the duty of Irish Members to offer strenuous opposition to Votes which were asked for for the maintenance of institutions which they believed prejudicial to the true interests of the country. He believed that the institution of Lord Lieutenant was altogether bad. It formed in Ireland a centre for the demoralization of the whole country. Those who represented the feelings and aspirations of the people had too much reason to look with despair upon Dublin, because every national movement, every outcome of national sentiment from the Irish people met with opposition always directed from Dublin. What the hon. Member for Monaghan (Mr. Findlater) said with respect to the opinion of Dublin was no doubt strictly correct, and no doubt that opinion was in favour of the retention of this institution. It was but natural that it should be so, and the institution itself had created such an amount of national demoralization and national degradation in Dublin as was quite sufficient to account for the opinion. What the state of Dublin society was could be gathered from the descriptions of Charles Lever and others, and it was known that Dublin society was made up of men who had no right whatever to pose as the gentry of the country. Public opinion in Dublin had grown corrupt under Castle influences, and that was why the opinion of Dublin was in favour of an institution which the rest of Ireland viewed with strong dislike; and those who desired to see this influence abolished were determined that the Vote should not be carried without a full expression of opinion upon it. The hon. Member for Louth (Mr. Callan) had gratified his wish to stand up as the only Member on those Benches to say a word in

Mr. Callan

favour of the maintenance of this institution. He was within his right in expressing his opinion; but the distinction he had gained was not to be envied, for there was no question that throughout Ireland the vast majority of the people were bitterly hostile to this institution. Dublin was the rallying point of anti-national opinion; Dublin opinion was demoralized and corrupt, and there could be no thoroughly healthy national life there until the officialism of the Castle and its evil traditions were entirely swept away. There were many reasons that made him anxious to oppose this Vote, and he hoped that the opposition would be carried to a division. Amongst other reasons, because the Lord Lieutenant, whose existence as such was called in question upon this Vote, was the ostensible mode of carrying into effect the tyrannical coercive laws. The only reason why he seemed to have any existence in Ireland was because his name should appear at the foot of warrants issued in Ireland for the purpose of incarcerating men against whom no crime was alleged, men who ever commanded the respect and esteem of their fellows. But he would not infringe upon the Chairman's ruling; and he sincerely trusted that on a subsequent Vote there might be a more legitimate raising of the questions attaching to the office, as well as others in connection with the Gentleman who filled the ill-starred office of Chief Secretary. On this Vote he would say nothing further, and he hoped a division would be taken if only to show that the hon. Members for Monaghan and Louth did not share the opinions of the majority of Irish Representatives.

Mr. FINIGAN said, he had not heard one reasonable argument in support of the Vote, but many why the opposition should be continued. He disputed altogether that there was any justice in supporting a Vote of this large sum of money annually, to maintain a foreign Household in the capital of Ireland.

It being a quarter of an hour before Six of the clock, the Chairman reported Progress.

Resolutions to be reported *To-morrow*.
Committee to sit again *To-morrow*.

House adjourned at ten minutes
before Six o'clock.

HOUSE OF LORDS.

Thursday, 4th August, 1881.

MINUTES.]—PUBLIC BILLS—*First Reading*—
Ecclesiastical Courts Regulation * (201);
Superannuation (Post Office and Works) *
(203).

Committee—Land Law (Ireland) (187); Removal
Terms (Scotland) * (184).

Committee—Report—Presumption of Life (Scotland) * (197).

LAND LAW (IRELAND) BILL.—(No. 187.)

(*The Lord Privy Seal.*)

COMMITTEE. [FIRST NIGHT.]

Order of the Day for the House to be put into Committee, read.

Moved, "That the House do now resolve itself into Committee."—(*The Lord Privy Seal.*)

LORD DENMAN rose to move, as an Amendment, that the House do resolve itself into Committee on that day six months. He (Lord Denman) had read and written out all the Amendments upon the Bill, so that he did not hastily condemn the measure; but he was sure that litigation might be increased by it, and an appeal to the House of Lords had been proposed as an Amendment.

THE EARL OF AIRLIE rose to Order, observing that it would be irregular to enter into a discussion of the Amendments at that stage of the Bill.

LORD DENMAN remarked, that he was often interrupted in that House, and referred to his Protest of 12th July, 1869, in which he showed how Lord Dunboyne, an Irish Peer, had been prevented from speaking on the Irish Land Bill. He went on to allude to 1844, when three noble and learned Lords, all pupils of a most eminent Special Pleader (Mr. Tidd), had overruled Lords Lyndhurst and Brougham on the O'Connell case, and reminded their Lordships that, although from an irregularity as to the jury, the defendant (O'Connell) escaped eight out of 12 months of imprisonment, and a fine of £5,000, yet the law was vindicated. He also alluded to 1846, when his noble and learned Relative had proposed clauses for the Protection of Life Bill, empowering the Lord Lieutenant and Magistrates to bind accused parties over

to keep the peace; and as it was in that year deemed safe to throw out the Protection of Life Bill, so he thought the present Ministry, having a Coercion Bill and an Arms Bill, might well dispense with this Bill. He feared that he might be alone, like the Father of Lentulus, when he voted against buying off the Gauls with gold; but he could not willingly go on with this Bill, full of such sweeping changes as were devised by it, and concluded by moving his Amendment.

Amendment *moved* to leave out ("now") and add at the end of the motion ("on this day six months.")—(*The Lord Denman.*)

On question, that ("now") stand part of the motion, *resolved* in the affirmative.

House in Committee accordingly.

PART I.

ORDINARY CONDITIONS OF TENANCIES.

Clause 1 (Sale of tenancies).

LORD WAVENEY moved, in page 1, line 20, after the word ("thereof") to insert—

("Provided always, that in defect of agreement it shall be lawful for the landlord to present for the approval of the Commissioners the purchaser whose holding shall be considered most advantageous to the estate by reason of contiguity.")

The noble Lord said, the object of the Amendment was that where two persons were willing to purchase a particular lot, the landlord should have the power of making the selection most advantageous to the estate. No damage would be done to the tenant in the circumstances.

LORD HARLECH said, he was glad that this Amendment had been moved by an Ulster landlord who was in favour of tenant right. The principle was a good one, because where consolidation could be effected within certain limits it was a most advantageous thing both for landlord and tenant.

LORD CARLINGFORD said, the Amendment had been carefully considered by the Government, and he could assure the noble Lord behind him that it would be quite unnecessary, because the Bill did not contemplate, nor would the Court require, directions as to a presentation of this kind. The matter would be found to work itself satisfactorily out in practice.

[First Night.]

THE LORD CHANCELLOR said, that the Amendment was absolutely unnecessary. If the landlord objected, on reasonable grounds, to any proposed purchaser, his objection would receive effect; and if he choose to exercise his own right of pre-emption, the uncontrolled selection of a new tenant would rest with him.

Amendment negatived.

LORD DUNSANY moved to amend sub-section 4, by providing that where the tenant "shall agree" to sell his tenancy to some other person than the landlord, he should inform the landlord of the name of the purchaser, and state therewith the amount of the consideration agreed to be given for the tenancy. The words of the clause were, "where a tenant has agreed," and that, he thought, was rather indefinite. If a tenant, either through inadvertence, or from any other cause, did not give notice at all to his landlord that he had sold his farm to any other person, the sale was not null and void, as one might naturally suppose it would be, but it simply became voidable. As the clause now stood, the landlord had no right of pre-emption whatever.

Amendment moved, in page 1, line 21, leave out ("has agreed") and insert ("shall agree.")—(The Lord Dunsany.)

LORD CARLINGFORD said, he did not think that the dangers apprehended by the noble Lord would arise; but he (Lord Carlingford) thought they might trust the Commission with a matter of this kind, since the determination of other matters of greater importance was left to their discretion.

THE MARQUESS OF SALISBURY asked by what possibility a sale could be allowed to stand if there had been no notice given to the landlord?

THE LORD CHANCELLOR said, if the landlord did not object, no harm could be done. He would not be bound to admit the purchaser as a tenant, unless he had received the proper notice.

THE EARL OF DERBY asked whether he was right in concluding from the clause, as it now stood, that a sale might be valid of which no notice had been given to the landlord?

THE EARL OF LEITRIM asked a similar question, observing that the matter

involved other interests of the landlord besides his right of pre-emption.

EARL CAIRNS said, he thought the point of considerable importance, as the landlord would not always wish to exercise his right of pre-emption, but would sometimes prefer that the purchaser should be the owner of the adjacent holding, or some other desirable person.

THE EARL OF DUNRAVEN suggested that a difficulty would arise if the tenant sold his interest without notice to the landlord and then left the country.

LORD CARLINGFORD said, that the Government did not differ on the real point, only as to the method of procedure, and therefore the Government would accept the Amendment.

THE LORD CHANCELLOR said, that the better way would be to insert the words "in writing," so as to secure that the notice should be given in writing.

Amendment, as amended, agreed to.

THE DUKE OF ARGYLL moved, in page 2, line 5, after ("court,")

("Provided that the landlords objection shall be conclusive in the case of any tenancy in a holding where the improvements in respect of which, if made by the tenant or his predecessors in title, the tenant would have been entitled to be compensated under the provisions of the Landlord and Tenant (Ireland) Act, 1870, have been made by the landlord or his predecessors in title, and not by the tenant or his predecessors in title.")

The noble Duke said, the Amendment was, to his mind, of considerable importance, although, perhaps, it might not be apparent at first sight. They had now, by reading the Bill a second time, assented to its principle, and he could assure his noble Friend the Lord Privy Seal that he should neither move nor vote for any Amendment which, in his opinion, was in derogation of the main principle and purpose of the Bill. As their Lordships had voted for the second reading of the Bill, this was the only just and straightforward mode of proceeding. What he considered the main principle of the Bill was this—that every tenant in Ireland should have the power afforded of re-valuation; and, in the second place, that every tenant in Ireland, with but few exceptions, should have the power of sale. He had already stated at considerable length his objections to this power of sale, and he would now say what might be urged in its

favour. He thought it was absolutely just in all cases where, by the custom of the country, the tenant had it, and in all cases in which, without the custom of the country, the tenant could pay for it. He admitted that probably the power of sale might be the most convenient form in which the tenant could be repaid for improvements, and as a large proportion of the tenantry of Ireland had done the improvements, it was the most proper form; and he fully admitted that the power of sale mitigated very much the harshness of eviction. In the case of the very smallest class of tenantry, though he thought the power of sale in their case was, perhaps, the most mischievous, yet incidentally it might have the advantage of enabling the wealthier tenant buying out the poorer one, and thus, to some extent, consolidating the property. On those grounds, he agreed there was much to be said for the power of sale. He did not intend by his Amendment to touch the power of sale in any of the cases to which those arguments applied. Having stated the arguments in favour of free sale, he thought his noble Friend the Lord Privy Seal would admit he had stated them fairly, and he would remind the House of one of the strongest objections to that power. In the Report of the Bessborough Commission, in one of the few passages with which he entirely concurred, this statement occurred—

"The right of free sale, even more than fixity of tenure, interferes with a landlord's right of control over his property in respect of his power to choose the tenants by whom he is surrounded, and to surround himself by those whom he prefers."

And in another paragraph they pointed out the consequences of this, and they said—

"Except for main drainage and similar improvements on a large scale which may be undertaken by the landlord as a commercial speculation, the result of depriving them of the settlement of sale must eminently be to discourage still further, if not to extinguish, every expenditure upon the soil."

That was a definite objection; and surely the Government would admit that, in cases where none of the arguments for free sale applied, it was a most unreasonable thing to apply this power to the destruction of the landlord's sentiment of ownership. His Amendment applied solely to cases where landlords had, at

some time or other, either by themselves or their predecessors in title, executed all the improvements, as was generally the case in England and in Scotland. He must press this Amendment on the Government, because the Government had admitted that this Bill referred to a most exceptional state of things, and Mr. Gladstone had expressly said that he hopefully looked forward to the time when Ireland would be able to arrive at a healthier state of things. Then, why shut the door to a healthier state of things? In cases where landlords had executed all the improvements, for any sake, let them retain that sentiment of ownership, out of which the whole zeal for agricultural improvements had its rise. No man could pretend that this Amendment was contrary to the principles of the Bill. This matter, he thought, was even more important in the future than in the present. As regarded the efficiency of this clause in the future, the Government professed to desire that a great number of persons would buy land in Ireland. Supposing a number of tenants bought their farms and made all the improvements as it was expected they would do, some circumstances, say, occurred which prevented the farmer continuing his residence there—as, for instance, sickness—and he desired to let it to some person whom they chose. Now, under the Bill as it stood, they could not do this without the next day the chance of this tenant selling the tenancy to some other person. He hoped the Government would agree to the Amendment.

Amendment moved,

In page 2, line 5, after ("court") insert— ("Provided that the landlords objection shall be conclusive in the case of any tenancy in a holding where the improvements in respect of which, if made by the tenant or his predecessors in title, the tenant would have been entitled to be compensated under the provisions of the Landlord and Tenant (Ireland) Act, 1870, have been made by the landlord or his predecessors in title, and not by the tenant or his predecessors in title.")—(*The Duke of Argyll*.)

LORD CARLINGFORD sympathised with a good deal which had been said by the noble Duke, and it had given him a great deal of pleasure to hear him recognize some, at least, of the advantages which they believed would arise from the sale of the tenant's interest. At the same time, he was not convinced

by the noble Duke that this Amendment was a necessary one. It would, he thought, in respect to the present state of things, have a very narrow operation indeed. If it were to be adopted, he should ask that the words "substantially maintained" should be inserted with reference to the improvements, because it was obviously possible that improvements might have been made by the landlord 50 years ago, but maintained ever since by a long succession of tenants, in which case, of course, the exemption should not apply. But, setting that aside, what he said was, that in the existing state of things in Ireland cases in which landlords could possibly take advantage of this provision were of so rare occurrence that he did not think it advisable to create such an exception to the general system of tenure which the Government thought ought to be applied to the country, and this all the more, seeing that when a landlord expended money in improvements it was open to him to raise the rent of the holding in order to compensate himself for his outlay. He objected, also, to the mode in which his noble Friend proposed to proceed, inasmuch as direct exemption from the Act was preferable to this indirect exemption. He would not, however, put their Lordships to the trouble of going into the Lobby on the question.

THE MARQUESS OF SALISBURY: Does the noble Lord accept the Amendment, then?

LORD CARLINGFORD: No; but we will not go into the Lobby on it.

THE DUKE OF ARGYLL: Why does my noble Friend not answer my arguments? He has said nothing against this Amendment whatever, and I am very much afraid that his real objection is this—that it is an unpopular idea in Ireland that the landlord should ever improve his own land. He rather wishes to discourage than to encourage the improvement of the land by the landlords of Ireland. I shall certainly divide the Committee.

THE EARL OF LEITRIM supported the Amendment, contending that, as the Bill stood, confiscation of landlords' improvements would follow.

THE LORD CHANCELLOR said, that if the landlord had not charged a fair rent, having regard to his improvements, this ought to be—and he had no

doubt would be—taken into account. Then, with respect to future improvements, it was distinctly provided, that if, after the rent had been fixed, improvements were made by agreement between the landlord and the tenant, there might be an additional rent charged in respect of them. He, therefore, greatly doubted whether it was wise, in the interests of those who approved of the proposal, to insist upon this Amendment. The landlords had already, let them remember, the means of compensating themselves for their outlay on improvements. If the Amendment were to be adopted, he suggested that after the reference to the Act of 1870 there be inserted the qualifying phrase "as amended by this Act." But, while he suggested this, he must point out that it would not be wise to place tenants on estates where the landlords made the improvements in a worse position than that occupied by other tenants.

THE DUKE OF ARGYLL said, he had no objection to accept the words suggested; but he must direct attention to the argument of his noble and learned Friend. It was said that they should not place the tenant of a holding on which the improvements were made by the landlord in a worse position than the tenant of a farm where the landlord did not make the improvements. His reply to this was that the Bill itself placed the one tenant in a worse position than the other, and that, therefore, the argument for uniformity at once fell to the ground.

THE MARQUESS OF WATERFORD suggested that the requirement of the Amendment should not be that all the improvements should be made by the proprietor. If this requirement were kept in, then the tenant might, by erecting a pigstye, throw the entire clause out of gear, for then it would not, of course, be possible to say that all the improvements had been made by the tenant.

THE EARL OF KIMBERLEY pointed out that the suggestion of the noble Marquess introduced quite a new element, because what it really amounted to was that they should exempt from the operation of the Bill farms on which some of the improvements had been made by the tenant, and some by the landlord. If they begun with a pigstye, they intro-

duced an element of doubt into the whole matter.

THE MARQUESS OF WATERFORD: That matter would be left to the Court to decide—that is, whether the improvements were permanent or not, and whether they had been made by the landlord—whether, in fact, the estate had been managed after the English system.

THE DUKE OF LEINSTER was understood to oppose the Amendment.

LORD ORANMORE AND BROWNE pointed out that amongst permanent improvements was main drainage, and if it were not kept up, all other improvements would be valueless. The landlord made this improvement.

Amendment amended, and *agreed to*.

THE EARL OF BELMORE moved, in page 2, line 5, after ("court,") to insert—

("The landlord's objection shall be conclusive where the Ulster tenant right custom, or the benefit of the usage corresponding to such custom, has been purchased or acquired by the landlord or his predecessors in title.")

Cases of the purchase by a landlord of the tenant's interest were by no means so rare as had been thought. He had made inquiry both within and outside Ulster, and had collected a number of cases which occupied seven pages. There were several cases in county Down; at least eight cases in county Armagh. In Antrim £4,500 had been given by a landlord for the tenant right in 116 acres, £1,200 for that right in 60 acres, £700 in 170 acres, £110 in 16 acres, and £1,500 in 72 acres. Outside Ulster he found that a gentleman in Queen's County had bought up the tenant's interest in 14 farms. He had been asked whether the landlords in such cases had not increased the rent in proportion to the sum given for the tenant right? He had made inquiry, and had been informed that in some cases possibly there might have been some increase; that in certain cases there had been none at all; and that in no instance had the rent been unreasonably increased. He was of opinion that where the landlord had acquired the tenant right he should be freed from liability under the Act; and, therefore, he moved the present Amendment.

Amendment moved,

In page 2, line 5, after ("court,") insert—
("The landlord's objection shall be conclusive where the Ulster tenant right custom, or the

benefit of the usage corresponding to such custom, has been purchased or acquired by the landlord or his predecessors in title.")—(*The Earl of Belmore.*)

LORD CARLINGFORD said, that the noble Earl had not been able to show that there were many cases to which his Amendment would apply.

THE EARL OF BELMORE: Sixty-five.

LORD CARLINGFORD: In the whole Province of Ulster?

THE EARL OF BELMORE: Sixty-eight.

LORD CARLINGFORD said, he would not dwell upon that, as he did not rest on this contention. The Government were quite unable to accept the Amendment. The provision of the Land Act of 1870 was that when the Ulster tenant right custom was bought up by the landlords that custom ceased to attach to the holding in which it had been bought; but the Act went on to say that all the general provisions of the law should apply to the holding just as they applied to every other holding in Ireland. That was the principle of the present Bill. The noble Earl was proposing that to such cases the general provisions of the Bill should not attach. The landlord in such cases looked upon the purchase money of the tenant's interest as an investment. If he had not increased the rent so as to pay a return on that investment the Government could not help him as to the past; but he would be entitled to raise it for the future. The landlord could not be paid in these cases both ways, both by an increase of rent and a return of the capital sum invested.

EARL CAIRNS said, it was very difficult and dangerous to be certain as to what this Bill meant; but he was under the impression that that which the Lord Privy Seal said could be done could not be done. He understood the noble Lord to say that any money paid for the tenant right by the landlord would be recouped by increasing the rent. On Monday night the noble Lord assured the House, in the most solemn way, that the sum paid for the tenant right had nothing to do with the rent, that they were drawn up on parallel lines, and had nothing to do with each other. The Act of 1870 declared that where the landlord had purchased or acquired the benefit of such a usage as the Ulster Custom, the holding should not thence-

forward be subject to such usage. But now, in 1881, this Bill came in and said that all over Ireland the tenant might sell that which in the interval the landlord had purchased with his money, and on the strength of an Act of Parliament. The number of landlords who had purchased in this way was, no doubt, small; but the principle was very important. He had never before known an instance where Parliament had been so openly asked to violate the most solemn engagements. It was said that the landlord could recoup himself by raising the rent, which, in consideration of the other elements of the Bill, was, in effect, saying—"If you are a landlord, recoup yourself by raising your rent; if you are a tenant, the way to recoup yourself is to get your rent lowered." He trusted that by this Amendment, or by some similar means, those unfortunate persons who had spent many thousands of pounds on their estates would be protected.

THE LORD CHANCELLOR said, the objection of the noble and learned Earl was more apparent than real as applied to this Bill. If the tenant's interest was bought by the landlord, he was entitled to charge interest in the shape of additional rent against the tenant; and that, no doubt, was what took place. But, apart from this purchase, what the tenant had to sell was his own; it did not belong to the landlord. ["Oh!"] His improvements were his own, and would it be contended that the landlord had a right to dispose of them? The Ulster tenant right depended upon custom on estates in Ulster, which settled the terms between landlord and tenant in many ways which deviated from the particular provisions in this Bill, under which the right of sale was given generally in Ireland. The Ulster Custom remained; and the new law being extended over all the country, it was difficult to see any sound reason for this Amendment, which would seem to suggest that those who had bought the tenant's goodwill in Ulster were to be regarded as more unjustly treated than those who never were subjected to the Ulster Custom.

THE MARQUESS OF SALISBURY said, if any person came before the noble and learned Lord and proposed to escape from engagements solemnly entered upon on the reasons he had alleged, the proposition would be repelled with expressions of indignation. What the land-

lord bought up under the Act of 1870 was not the tenant's improvements; it was the Ulster tenant right custom. The landlord had acted under that which the Government had systematically despised and trampled under foot in this Bill, and the extent of which they appeared to have forgotten. What induced the landlords to pay up the Ulster Custom was the sentiment of ownership—the desire to be masters of their own estates, and that was the thing which Parliament solemnly guaranteed to them. Now, the noble and learned Lord said that it was a sufficient fulfilment of the promise—sufficient compensation—that the landlords should have the power which they then had of raising the rent to any extent which the tenants would pay. The sentiment of ownership was the thing which was bought up, and no proposals to give any additional rent were a fulfilment of the contract which Parliament had made. He earnestly hoped their Lordships would honour the signature of Parliament in this respect, and would not allow it to be dishonoured by accepting the proposal of the Government.

THE DUKE OF ABERCORN observed, that no landlord could raise his rent without rendering himself unpopular; and, therefore, the suggestion that he could do so in order to compensate himself for the loss of the tenant right was impracticable.

THE MARQUESS OF LANSDOWNE said, the assumption of the Government appeared to be that a landlord in the case where he had bought up the Ulster tenant custom would be able to recoup himself by raising the rent; but there was this paradox attaching to the Ulster right, that in dealing with it they could not say that two and two made four. The tenant right and the landlord's fee simple together made a sum far in excess of the selling or letting value of the farm as a whole. In a case in which the landlord's interest might be worth 25 years' purchase, and the tenant right worth 25 years' purchase, the landlord could not charge additional rent representing the interest on the sum paid by him. The purchases made by landlords, though few in number, had not been made as commercial speculations, but had been made in order to liberate the holdings from a custom the operation of which they believed to be detrimental to their estates. The purchases had

been made by the landlords in order to give them the power of dealing with their land as they thought proper, and exercising freedom in the selection of their tenants. It was a great injustice when, on the invitation of Parliament, landlords had bought the tenant right with these objects, that Parliament should turn round upon them and tell them that the money they had invested had been expended in vain.

THE EARL OF ANNESLEY said, it was impossible that any private person could find out the number of cases that had occurred. He had purchased tenant rights and also made improvements. The injustice proposed to be done was analogous to a tradesman claiming the payment of an account for the second time.

THE EARL OF LEITRIM said, he was of opinion that the tenant's improvements would be invaded by the introduction of this Amendment.

THE EARL OF DUNRAVEN said, he thought the case was hardly met by the Amendment before them.

THE DUKE OF ARGYLL said, that if this Amendment were accepted one of his own, which followed, would be useless. It had the same object, but would, he believed, attain it in a better form. He denied that the landlords had increased their rent by an amount corresponding to the sum spent on the purchase of the tenant right. On the contrary, they had in repeated cases reduced their rent. He contended that there had been no recouping on the part of the landlord. The tenant being allowed the power of sale which the Bill gave him, the landlord should be entitled to prove to the Court that he had laid out a certain sum of money that he had not been recouped, which, as a matter of common honesty, should come out of the purchase money. The form of his Amendment to give effect to this view seemed to be more consistent with the provisions of the Bill than the Amendment now before them.

THE MARQUESS OF SALISBURY considered that it would be quite possible to pass both Amendments, but recommended the withdrawal of the Amendment of the noble Earl (the Earl of Belmore) if the Committee thought that that of the noble Duke (the Duke of Argyll) would come more within the scope of the Bill.

Amendment (by leave of the Committee) *withdrawn*.

THE DUKE OF ARGYLL moved, in page 2, line 28, after ("tenancy,") to insert—

("Where before the passing of this Act the landlord or any of his predecessors in title has purchased or acquired the Ulster tenant right custom or the benefit of a usage corresponding to the Ulster tenant right custom to which any holding was subject, and such holding has in pursuance of section one or section two of the Landlord and Tenant (Ireland) Act, 1870, ceased to be subject to such custom or usage; or

("Where before the passing of this Act the landlord or any of his predecessors in title has purchased or acquired the right of sale of the tenant's interest in such holding, and where the tenant or any of his predecessors in title have been paid the consideration for such purchase or acquisition either by payment of a sum of money, or by a corresponding abatement of rent, or where the tenant or any of his predecessors since such purchase or acquisition is or are not proved to have paid money or given money's worth with the express or implied consent of the landlord or any of his predecessors in title on account of becoming the tenant of such holding; and

("The tenancy in such holding is sold for the first time after the passing of this Act, the landlord shall be entitled to apply to the Court to have paid to him out of the purchase moneys of the tenancy the sum which he can prove to the satisfaction of the Court to have been paid by him or his predecessors in title by way of consideration for the purchase or acquisition of the Ulster tenant right custom or of the benefit of such usage or of any right of sale of the tenant's interest in such holding; subject nevertheless to any deduction which the Court may deem just in respect of any money received by the landlord or his predecessors in title by way of fine, increased rent, or otherwise on account of the sum so paid as aforesaid.")

The noble Duke wished to say, as one of those who were responsible for the Act of 1870, that he felt that there was an absolute contract between Parliament and those landlords in Ireland who purchased land under it. As a matter of common honour and honesty, and not as a question of policy, he held that they had no right to violate that contract. But he admitted to the Lord Chancellor and to the Members of the Government that if before this new Triumvirate, which was invested with the power not of valuing rent, but of re-distributing the property in Ireland—if before that High Commission, vested with such powers of disposing of the property of every man in Ireland, the tenant could prove that he had recouped the sum paid for the tenant right, then he admitted that the contract might be departed from; but

unless that could be shown, he contended they would be guilty of a direct and violent breach of contract. He entirely dissented from what was stated on this subject by his noble and learned Friend the Lord Chancellor the other night, and he maintained that he was perfectly accurate when he said that this Bill would give the tenant power to sell what was not his own. From that injustice, he was sorry to say, they could not wholly escape. However, they might in some way mitigate the injustice. There were hundreds of landlords in Ireland who had allowed their tenants to sit at a far lower rent than could have been exacted from them, for the purpose of keeping out the power of sale. Their Lordships swallowed a great deal when they swallowed this proposal for indiscriminate sale by the tenant of tenant right; but he could not swallow the proposal to break faith with those who had purchased property in Ireland under the solemn guarantee of Parliament. In moving his Amendment he was perfectly willing, as was distinctly stated in it, to take the opinion of the new Court which had been set up as to whether or not the landlord had been recouped for what it was now proposed to dispossess him of; but, for his own part, he regarded the Triumvirate as a barbarous convention of a barbarous condition of things.

THE LORD CHANCELLOR said, he did not for a moment call in question the motives which influenced the noble Duke in proposing the Amendment, nor did he deny that there was a good deal in the considerations his noble Friend had advanced; but the adjustment of this question upon principles of absolute justice under the Bill was a more difficult matter than the noble Duke seemed to be aware of. He would not repeat the arguments he had used before, but would only say that they were merely removing impediments which previously existed by law to a man taking his own goodwill and his own improvements to the most available market. The latter part of the Amendment appeared to be quite just; but as for the other part he would ask, By whom was the landlord to be repaid? Not by the person who had received the money from him, but by the existing tenant, whether he had been a short or a long time in occupation, and whether he had derived profit from it or not. If the view taken by his noble

Friend of the Act of 1870 was sound, it would rather follow, that it might be the duty of Parliament to make compensation. He could understand the argument that a man who had sold the tenant right and received money for it should repay the landlord; but he could not understand why a man who had derived no benefit from the transaction should be called upon to do so.

THE DUKE OF ARGYLL said, that his noble and learned Friend's argument was a good deal inconsistent with the preceding provision of his own Bill, which said that where permanent improvements were made by the landlord the landlord should be recouped. The only difference between the cases was that in the one instance the landlord had spent his money in making improvements, in the other in purchasing the tenant right. But in both cases he had spent his money. If the Amendment was not accepted a tenant who had only been in the farm some six months might sell something that was really not his own.

EARL CAIRNS said, the fallacy of the noble and learned Lord was this—he assumed that the person who was at present in possession had a property in the tenant right. But these holdings were different from others, in that they had stamped upon them a distinct character by Parliament, which declared that they should not be subject to tenant right, as formerly they were. By this Bill they were going to say that those holdings should be put up to see what some person would give for the tenant right. It was a fallacy to say that that money belonged to the tenant in possession. It rather belonged to the landlord, who had bought the tenant right by Act of Parliament.

On question? (leave being given to the Earl GRANVILLE to vote in the House) Their Lordships *divided*:—Contents 219; Not-Contents 67: Majority 152.

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Amendment agreed to.

THE DUKE OF ARGYLL moved, in page 2, line 34, after ("tenancy,") to insert—

("Or for moneys payable to the landlord under the preceding sub-section in respect of the purchase or acquisition by the landlord or his predecessors in title of the Ulster tenant right custom or the benefit of such usage, or of any right of sale of the tenant's interest in such holding.")

Amendment agreed to.

EARL CAIRNS moved to insert, in page 3, line 30, after ("usage,") the following words:—

"(14.) Where a sale of a tenancy is made under a judgment or other process of law against the tenant, or for the payment of the debts of the deceased tenant, the sale shall be deemed to be made by the tenant, and shall be made in the prescribed manner and subject to the conditions of this section."

THE LORD CHANCELLOR objected to the Amendment on the ground that the Bill, as it stood, did not interfere with the ordinary process of law.

EARL CAIRNS wished to know whether the Government, after creating this right of sale, intended to allow a judgment creditor to put up a holding for sale, and thereby to deprive the landlord of all the safeguards which were thrown over the right in the previous part of the section? If so, any tenant who wanted to get rid of those safeguards would only have to allow a collusive execution to be taken out against him.

Amendment agreed to.

EARL CAIRNS moved to insert—

("Any sum payable to the landlord out of the purchase moneys of the tenancy under this section shall be a first charge upon the purchase moneys.")

Amendment agreed to.

EARL CAIRNS moved the following Amendment:—

"(15.) A landlord, on receiving notice of an intended sale of the tenancy, may, if he is not desirous of purchasing the tenancy otherwise than as a means of securing the payment of any sums due to him for arrears of rent or other breaches of the contract or conditions of tenancy, give notice within the prescribed time of the sum claimed by him in respect of such arrears and breaches, such sum failing agreement between the landlord and tenant to be determined by the Court, and may claim to purchase the tenancy for such sum if no purchaser is found to give the same or a greater sum; and the landlord, if no purchaser be found within the prescribed time to give the same or a greater sum, shall be adjudged the purchaser of the tenancy at that sum."

The noble and learned Earl said, there was no doubt that the Bill gave to the landlord the right of pre-emption of tenancy on any occasion of sale, and there were many cases in which the right would be exercised; but he was bound to say that he did not think, as a general rule, the landlord would be desirous of purchasing the tenancy, and thus enter into a controversy with the tenant as to the value of the tenancy. The consequence would be that the occasions would be few on which the landlord would buy the tenancy as a purchaser; but there would be a great number of occasions on which he would take a very lively interest in the sale for other reasons. The landlord under the Bill was informed that, practically, the remedy by eviction against a tenant would be of very little worth, and that the way in which he must look for re-imbursement for arrears was by giving the power of free sale to the tenant. The tenant would be driven to make a sale of the tenancy, and the landlord would be paid out of the purchase money the sum due to him. Therefore, the landlord would have a vital interest in two things—namely, that sufficient should be produced by the sale to pay the arrears of rent and other charges; and, secondly, that some machinery should be provided by which he would really know what sum the incoming tenant paid, because their Lordships would see that as between the incoming and outgoing tenant the object of both

would be to keep the landlord in the dark as to what sum really had been paid in the change of tenancy. It was most desirable that some machinery should be provided enabling the landlord to ascertain the sum, as nothing could be easier than for the outgoing tenant to have a contract by which the incoming tenant would appear to pay a certain sum, say £100, whereas, in reality, the amount that would be paid would be £200. Nothing was easier than to pay another £100 to a third party, to be given to the outgoing tenant after the landlord was disposed of. For these reasons he thought his Amendment should be added to the clause. The landlord, if he did not wish to purchase, should be allowed to go into Court and say—"I have a claim against the tenant, and, unless that sum is forthcoming, I claim to have the tenancy adjudged to me." There could be no possible harm done to the tenant if a purchaser were found to buy at a price more than the sum due to the landlord.

THE LORD CHANCELLOR said, that if the landlord passed over the pre-emption right, and did not wish to become the possessor, he ought not to stand in the way of the tenant realizing his tenant right in the best way he could. This Amendment would give the landlord a double advantage over the tenant. If the noble and learned Earl had proposed an Amendment simply to prevent a collusive sale the Government would have been prepared to consider it; but the Amendment, as it stood, would prevent a sale where the *bona fides* were undoubted, and it was of excessive stringency against the tenant.

THE MARQUESS OF SALISBURY said, he thought that the opportunity of collusion pointed out by his noble and learned Friend (Earl Cairns) was one of the greatest dangers they had to encounter. The danger was that the tenant would sell his holding nominally for a small price, but really for a large one, and so try to escape the debt he owed to the landlord. The sympathies of the noble and learned Lord opposite (the Lord Chancellor) were highly excited for fear the tenant might be forced to pay the rent due; but the remedy was very simple. The moment the tenant paid his arrears all the rights of the landlord given by the Amendment would fall to the ground. In other words, the tenant would prac-

tically exercise the very common right of buying in the tenancy for the price he pleased; and if he choose to pay the money due from him to the landlord the rights of the latter ceased, and no possible injury could be done to the tenant.

LORD O'HAGAN argued that if the Amendment were passed it would deprive the tenant of the advantages contemplated by the statute, inasmuch as it would tend to limit the right of free sale. Why should the landlord, if he had arrears paid to him, have any advantage over anybody else in the sale? Why should he not be in the open market competing with anybody else, so that the tenant might have freedom to obtain the largest amount which might be given in the open market for his interest in his tenant right? If the landlord got the amount of his arrears and was prepared to pay the full value according to the opinion of the Court on ascertainment of the justice of the tenant right without question, he got all he wanted and all he was entitled to. He got the amount of his arrears, he had the holding of his own land. He lost nothing whatever. Was it so very unfair that the tenant pressed by circumstances should have as fair a chance of obtaining the full value of his tenant right, the landlord having the same pull upon him as to the amount of his arrears as he would have if he went into the open market? As the Amendment was in contravention of the principle of the clause, and the machinery of the Courts, he, for one, would oppose it.

EARL CAIRNS contended that, so far from its being in contravention of the clause, it was merely incidental to it. The object of the Amendment was that the tenant should produce the utmost shilling that could be produced upon the holding. The landlord and tenant were in the same boat. They both wanted to get the utmost possible sum that could be got for the tenant right. It might be that the landlord did not want to become the purchaser, and that he had no wish to interfere in the transaction at all except for the purpose of having his arrears paid. The tenant came to him in Ireland, and said—"I wish to sell my tenancy." "Well, you owe me arrears of £200, and of course that is a sum which I am anxious to have." The tenant said—"It may produce that sum or it may produce less."

"I do not want to buy your tenant right; all I want is the sum due. I do not wish to hamper you in any way in selling your interest. Get the highest price you can get by auction or by private contract, or in any other way; but the sum due to me should be treated as a reserve price, so that if you cannot get a higher sum, then I take the holding for that sum. By all means get £200 or £300. I won't exercise my right of preventing you; and, rather than have a settlement by the Court, if you do not get more than £200, let that and the amount of the arrears be the reserve price." How was that against the principle of the Bill? He had never heard that the reserve price was against the principle of any sale.

THE EARL OF DERBY asked if the noble and learned Earl would explain whether a tenant, having given notice of an intended sale and having reason to suppose that he would not get what he thought an ample price for his tenancy, would have the power of withdrawing from the sale? If he would have that power it did not seem to him that any injustice would be done to him by this Amendment; but if he would not have it, the Amendment would put it in the power of the landlord to take advantage of the tenant's temporary inability to find a purchaser at a fair price. At the same time, they must all be desirous of preventing collusive sales.

EARL CAIRNS said, he had no hesitation in answering that question. The transaction should be perfectly free, and he intended the utmost liberty in that respect to the tenant. He would be willing to add words to make that intention quite clear.

LORD CARLINGFORD said, that the objection raised by the noble Earl (the Earl of Derby) was the only one which he entertained. So explained, he had no objection to the Amendment. But it was quite plain that, as the Amendment stood, the tenant, if he once gave notice of sale, would be bound to go on.

THE MARQUESS OF LANSDOWNE said, he thought the intention would be made quite clear by the insertion in line 8 of the words "and the tenant determining to proceed to a sale." He moved to insert those words.

THE EARL OF KIMBERLEY said, the Government would accept the noble

and learned Earl's Amendment with the insertion of these words.

Amendment, as amended, *agreed to.*

Clause, as amended, *agreed to.*

LORD CARLINGFORD moved, after Clause 1, to insert the following clause:—

("The tenant from year to year of a tenancy to which this Act applies shall not, without the consent of the landlord, sub-divide his holding or sub-let the same or any part thereof.")

The effect would be that such tenancies would be null and void, and sub-tenants so created would have no existence in the eye of the law.

THE DUKE OF ARGYLL asked whether this Amendment was necessary, as he thought it was covered by the existing law? If there was one point on which all parties were agreed it was that it should not be in the tenant's power to sub-divide the holding. Why was it necessary that this Amendment should be introduced in that House?

THE LORD CHANCELLOR said, the object of the Amendment was to show clearly that the sub-division without the landlord's consent was illegal.

EARL CAIRNS suggested that the following words should be added to the clause:—

("Any act done by the tenant in contravention of this provision shall be absolutely void.")

THE LORD CHANCELLOR accepted the addition, though he thought it unnecessary.

New Clause, as amended, *agreed to.*

Clauses 2 and 3 *agreed to.*

Clause 4 (Incidents of tenancy subject to statutory conditions).

THE MARQUESS OF WATERFORD proposed to leave out the words—

("After notice has been given by the landlord to the tenant not to commit or to desist from the particular waste specified in such notice.")

He said that the Government would not have put in these words if they had considered at the time what they were going to put in in Clause 12, as it affected the tenant. The word "persistent" waste therein contained was a great protection to the tenant.

LORD CARLINGFORD said, the requirement of notice would tend to limit and simplify the inquiry before the Court as to the waste. He should like

the words to remain. He did not know whether the noble Marquess was anxious to leave them out.

THE MARQUESS OF WATERFORD said, he was very anxious to have these words left out.

Amendment agreed to.

LORD DUNSANY moved, in page 5, line 13, after ("notice,") to insert ("the tenant shall not break up pasture or meadow land contrary to express covenants.") That which he sought to prevent by the Amendment was one of the most destructive things that could be done on a farm.

THE LORD CHANCELLOR said, their Lordships had already passed a clause which provided, as one of the statutory conditions, that the tenant should not make persistent waste by the deterioration of the soil. He apprehended that breaking up ancient pasture would come within the meaning of the term "persistent waste." These statutory conditions were intended to take the place of covenants, and therefore any reference to covenants in leases would be out of place in this clause. As to a pasture which was not ancient, there was no reason why it should not be broken up.

LORD DUNSANY said, the argument did not apply, because there was an absence of persistency if all the injury could be done at once without any repetition of the wrong-doing.

THE EARL OF KIMBERLEY said, that would not rob the act of the character of persistency. It would be persistent waste to burn down a house which could be burnt only once.

LORD ORANMORE AND BROWNE supported the Amendment, and suggested the omission of the reference to covenants.

THE DUKE OF RICHMOND AND GORDON considered the words of his noble Friend's Amendment went further than he intended, because, in his opinion, the Amendment, if adopted, would prevent any tenant breaking up pasture or meadow, which, in many cases, might be a great benefit to the landlord and tenant.

LORD CARLINGFORD said, it might be necessary to do it in the ordinary course of rotation. But if it were waste to do it, that would be only one form of waste; and if they were to enumerate

the different forms many others would have to be inserted—such, for instance, as burning the soil. He thought it would be better to leave the clause as it stood.

LORD HARLECH also objected to the Amendment, but believed the clause would be improved by inserting after the word "persistent," "or wanton waste."

EARL CAIRNS observed, that in many cases it was absolutely necessary to break up pasture.

LORD DUNSANY expressed his readiness to accept a modification of his Amendment, in order that his object might be carried out.

LORD INCHQUIN said, that the lands with which the noble Lord wished to deal were old pasture lands of 20 years' standing, and if those lands were ploughed up it would be an injury from which they might not recover for many years. He would suggest that the words inserted should be "the tenant shall not break up ancient pasture or meadow land."

THE EARL OF BELMORE said he was owner of pasture land which was all the better for breaking up.

LORD DUNSANY said, he was willing to insert "ancient pasture" in his Amendment, and to omit the latter part of it with reference to express covenants.

Amendment negatived.

To the words in page 5, line 13, "the tenant shall not, without the consent of his landlord, sub-divide or sub-let his holding," the following words were added:—"or any part thereof."

THE MARQUESS OF LANSDOWNE moved, in page 5, line 15, after ("holding,") to insert—

("Nor erect, or suffer to be erected thereon, save as in this Act provided, any dwelling-house in addition to those already upon the holding at the time of the passing of this Act, nor suffer to be used as a dwelling-house any building which at the time of the passing of this Act was not so used, with the knowledge and consent of the landlord.")

He said his object was not to alter the scope of the provision against sub-letting or sub-dividing, but to make the words more effectual. All were agreed that sub-letting or sub-dividing should not be allowed. This was a matter of national concern. What they wanted to secure was that an area should not be burdened with a population it was

not able to support. Sub-letting and sub-division were brought about in this way—the tenant took in under the name of a lodger some member of the family, and established him in a cabin adjoining his own, or in a building intended for some other purpose, and not fit for the accommodation of human beings. Upon a miserably small holding, scarcely sufficient to accommodate a single family, would be sometimes found four or five families huddled together under circumstances of great misery. Hitherto landlords had been able to check such excessive sub-division; but they had now been deprived of all means of preventing it. He wished, therefore, to insert in the Bill words which would remove all doubts upon the subject.

LORD LECONFIELD said, it frequently happened that the cottages had a room on either side of the door, with a kind of attic over without a window. The tenant knocked a hole through the wall, and put in a window afterwards, letting a part of the cottage to another party, and he suggested that words should be inserted to prevent that kind of sub-division.

LORD CARLINGFORD said, he could not accept the latter suggestion. If they were to do battle by Act of Parliament with every piece of ingenuity that might possibly occur to an Irish tenant it would require a good deal of ingenuity and time on their part to do so. He was, however, willing to accept the Amendment of the noble Marquess (the Marquess of Lansdowne).

THE EARL OF DUNRAVEN regretted that the Amendment had been accepted.

Amendment agreed to.

VISCOUNT LIFFORD next moved an Amendment exempting the landlord from liability for damage occasioned by cutting and removing turf in the exercise of his right to enter upon the holding for such purposes as mining, quarrying, road-making, draining, and sporting.

LORD CARLINGFORD said, he could not accept the Amendment; but he would consider the point before the Report.

THE MARQUESS OF WATERFORD also objected to the Amendment, which, in his opinion, went too far.

Amendment negatived.

THE MARQUESS OF WATERFORD moved, in page 5, line 28, after ("mine-

The Marquess of Lansdowne

ral") to insert ("or digging or searching for minerals.")

Amendment agreed to.

THE MARQUESS OF WATERFORD moved, in page 5, line 32, after ("title") insert—

("And which the tenant at the time of the passing of this Act may be entitled by law to cut and remove.")

As the Bill stood the tenant could claim almost every tree. There was no intention, of course, of interfering with those that were planted for ornament or shelter.

LORD LECONFIELD said, if some such Amendment as this were not accepted, in a short time there would not be a single stick of timber standing in Ireland.

LORD CARLINGFORD said, that the tenant who claimed the statutory term of 15 years might have a plantation on the farm, for which he was bound to pay rent during those 15 years; and yet it was now proposed that the landlord should be allowed to come forward during that time and sweep away such a plantation.

THE MARQUESS OF SALISBURY observed, that the landlord always had the right to take the trees which were on his property. He was now asked to give the tenant something which he never possessed before, and that was the right to those trees; and simply because the tenant made some improvement, or for some other reason, the noble Lord proposed an additional spoliation to those contained in the Bill—namely, by giving the possession of trees which the tenant never had, and to which he could not possibly lay a claim.

EARL SPENCER remarked that a tenant who had a statutory term of 15 years would have to pay a certain rent for that particular period, and it was undesirable that the landlord should be allowed to diminish the value of the holding during that period by cutting down the trees.

THE MARQUESS OF WATERFORD said, that if the tenant wished to grow trees during his statutory term he could register them under the special Act of Parliament.

Amendment agreed to.

THE MARQUESS OF WATERFORD moved, in page 5, line 34, leave out ("may be required,") and insert—

("The tenant under the contract of tenancy subsisting immediately before the commencement of the statutory term was lawfully entitled to cut.")

LORD CARLINGFORD agreed to accept the Amendment, if the words relating to "the contract of tenancy subsisting" were omitted.

Amendment, as amended, *agreed to*.

THE MARQUESS OF WATERFORD moved, in page 5, line 38, after ("game,") insert ("as defined for the purposes of the Act twenty-seventh and twenty-eighth Victoria, chapter sixty-seven.") He said his object was to include snipe and woodcock. In many parts of Ireland snipe and woodcock were the only game, and to preserve game in Ireland without preserving snipe and woodcock would simply be like mockery.

LORD CARLINGFORD considered the proposed definition unnecessary.

THE MARQUESS OF WATERFORD said, if his Amendment was not accepted, a landlord would not be able to prosecute in his own name.

EARL SPENCER said, the landlord would be able to prosecute under the Act of last year in his own name.

THE MARQUESS OF WATERFORD said, that Act only had reference to cases where the landlord reserved his rights.

Amendment *agreed to*.

THE MARQUESS OF WATERFORD moved, in page 6, line 1, to leave out the word ("persistently,") and insert ("unreasonably") in the clause. The object was to prevent tenants from unreasonably obstructing the landlord in his shooting, even though they did not persistently do so.

THE LORD CHANCELLOR thought it would be undesirable, as a thing which was of no real consequence might sometimes be unreasonable, though, unless persisted in, it might do no harm. It was not desirable, in a clause settling conditions of tenure, to raise questions as to anything which was not of real importance between the landlord and tenant.

Amendment *agreed to*.

THE MARQUESS OF WATERFORD moved, in sub-section 5, which provides that the shooting and fishing should belong to the landlord, subject to the

Ground Game Act, 1880, in line 41, after ("game,") to insert ("as defined for the purposes of the Act twenty-seventh and twenty-eighth Victoria, chapter sixty-seven;") and, in line 48, after ("1880,") to insert—

("And the provisions of the Act twenty-seventh and twenty-eighth Victoria, chapter sixty-seven, shall extend where such right of shooting and taking game belongs exclusively to the landlord as though such exclusive right were reserved by the landlord to himself by deed.")

And in line 4, after ("section,") to insert—

("During the continuance of a statutory term, all mines and minerals, coals and coal pits, quarries of limestone and other stone and slate, gravel and sand pits, woods and underwoods, and all bogs and bog timber, turbaries for cutting turf, and rights of turbary, except such of the said rights as the tenant, under the contract of tenancy subsisting immediately before the commencement of the statutory term, was lawfully entitled to exercise, shall be deemed to be exclusively reserved to the landlord.")

Amendments *agreed to*.

LORD CARLINGFORD moved, in page 6, after line 6, add, as a new paragraph—

("Nothing contained in this section shall prejudice or affect any ejection for non-payment of rent instituted by a landlord whether before or after the commencement of a statutory term, in respect of rent accrued due for a holding before the commencement of such term.")

Amendment *agreed to*.

THE MARQUESS OF SALISBURY took exception to the wording of the 6th sub-section of the clause, which said that during the continuance of a statutory term in a tenancy, "consequent on an increase of rent by the landlord," the Court might, on the application of the landlord, and for certain purposes, authorize the resumption of the holding, and require the tenant to sell his tenancy, or part of it, on such terms as the Court might approve. The purposes for which the land might be resumed included grants or leases of sites for churches or other places of religious worship. These were very desirable objects, no doubt, for which the landlord was to have the power of resuming the land; but this power of resumption was not to be given to every landlord. In order to be able to exercise this power, a landlord must have qualified himself by a certain special qualification—namely, that he should

have previously raised the rent of his tenant. Now, he (the Marquess of Salisbury) was entirely desirous of protecting the right of the landlord to deal with the rent; but he had never, in his wildest moments, gone so far as to look upon the raising of the rent as a special mark of holiness in a landlord. He, for one, should venture to claim for landlords who had not risen to so exalted a height of virtue as to raise their rents the liberty of building churches on their estates. He therefore moved to omit the words "consequent upon an increase of rent by the landlord."

LORD CARLINGFORD pointed out that the noble Marquess had not read an important part of the clause, which empowered the landlord to resume—

("The holding, or part thereof, for some reasonable and sufficient purpose having relation to the good of the holding or of the estate.")

THE MARQUESS OF SALISBURY : But why is it to be consequent upon an increase of rent by the landlord?

LORD CARLINGFORD explained that, as the Bill stood, the power of resumption was confined to the case of statutory terms not created by the intervention of the Court, but by the mere fact of the landlord and tenant having agreed upon an increase of rent without having recourse to the Court. He would, however, take this opportunity of stating a proposal which the Government was prepared to make on this subject. It was this—first, that the power of resumption should be made universal in all cases and in respect of all statutory tenancies, beginning from the time of the passing of the Bill; and, secondly, that for a certain number of years there should be no power whatever under any circumstances to convert present into future tenancies. That was to say, the creation of future tenancies would be for a certain time postponed. If their Lordships were prepared to consider this suggestion in its double aspect, the Government would be prepared with words on Report to carry it into effect. If they were not disposed to accept it, the only course open to the Government would be to stand by the words which the noble Marquess wished to omit.

THE EARL OF DERBY said, the noble Lord had raised a much larger question than that brought forward by the noble Marquess; it was one requiring a good

deal of consideration, and ought to be kept distinct from the other.

THE DUKE OF ARGYLL said, he was not sure that the Committee fully understood the nature of the mine that had been sprung upon it by the observations of the Lord Privy Seal. When he left the Government, and when the Bill was introduced into Parliament, it was a fundamental idea of the Government, and a fundamental principle of the Bill, that there should be a distinction between future and present tenancies. Every possible device was adopted in the Bill to make present tenancies continuous and almost permanent. They were, in fact, to be entails in favour of the present tenants of Ireland. But the Prime Minister left open a door through which in some future time they might hope to return to a healthy and natural condition of things in Ireland. A door was, in fact, left open for a return to the principle of freedom of contract; and the Government had repeatedly said that they looked to that result as the ultimate hope for peace in that country. The Lord Privy Seal, who, for all he knew, was one of those who had always been jealous and suspicious of the notion of a return to the natural state of things in Ireland, now proposed to substitute for a very innocent proposal of the noble Marquess opposite a complete abandonment of what he (the Duke of Argyll) considered the fundamental principle of the measure. His noble Friend said that the postponement of the power to create future tenancies would be temporary. Well, they all knew what would occur. Another agitation would be got up, and the postponement of the power would be continued indefinitely. The suggestion of the Lord Privy Seal was the result of his hatred of the plan by which a door would be left open for a return to freedom of contract. He did not believe that the Irish tenants were alarmed at the proposal that bits of their land might be taken from them for certain purposes, for they understood that they would be properly compensated. He quite understood, however, that many of them disliked the idea of a return to the principle of freedom of contract for themselves and their landlords, although they insisted upon absolute freedom to contract between themselves and their fellow-tenants. He would much rather keep the Govern-

ment to the fundamental principles of the Bill than assent to the further Amendment which had been indicated.

THE DUKE OF ABERCORN was understood to say that where the statutory terms were granted landlords would not make improvements.

THE MARQUESS OF SALISBURY said, that if landlords wanted to resume possession for any of the purposes named, they must sacrifice the valuable privilege of freedom of contract; and yet in another Bill simultaneously introduced into the House by the Government it was provided that persons in possession of land might make leases of it for the erection of churches and schools and for the promotion of public education. But as regarded this Bill the question was why the power of resumption given by the clause was restricted to a special class of landlords—namely, those who had raised their rents. The inconsistency of these provisions showed the haste with which the proposals of the Government were made. The Committee would do well to reflect upon them more than the Government had done.

EARL CAIRNS said, the clause as it stood would induce a landlord who wanted to build a church to raise the rents of his tenants.

EARL FORTESCUE wished to say a word on the matter as a sanitary reformer. The evil consequences in Ireland of the overcrowded and bad state of labourers' cottages were enormous; and it was monstrous that they should have a large question brought before them when all they cared for in the clause was the very simple power of enabling the landlord to resume for the purpose of building decent dwellings for the labourers.

THE EARL OF KIMBERLEY could assure the noble Marquess that the proposal which had been described as the springing of a mine was not made without the fullest consideration.

LORD WAVENEY hoped that the Government would not give up this clause.

LORD CARLINGFORD said, that the power of resumption was an exceedingly important modification of the statutory term, which might be made under the direction of the Court for reasonable and sufficient purposes, and not alone for the building of churches or schools.

EARL CAIRNS said, no doubt it was important; but the question was why it

should be limited to cases in which there had been an increase of rent.

THE EARL OF KIMBERLEY said, he understood the noble Marquess to adhere to his Amendment in spite of the important modification which the Government had offered to make; but if the offer were not accepted and the Amendment were carried, the Government would not consider themselves bound by the offer that had been made.

EARL CAIRNS said, that the Government professed a desire that landlord and tenant should agree; but the way they proposed to induce them to agree was by making the unfortunate landlord raise the rent.

THE MARQUESS OF LANSDOWNE said, he began to despair of getting a clear statement on this question. What he understood to have taken place was this. An Amendment moved by the noble Marquess opposite was met by a statement of the Lord Privy Seal that it was the intention of the Government to accord to the landlord an universal right of resumption, instead of the very limited right now accorded by the Bill. But the Lord Privy Seal added that, in order to quiet the minds of the Irish tenants, he intended to accompany this modification of the Bill by a proposal under which the conversion of present into future tenancies should be delayed for an indefinite time, which he did not name. In these circumstances, their Lordships ought to accept the Amendment of the noble Marquess, which was not foreign to the object of the Lord Privy Seal; and when they had before them that mysterious and indescribable proposal for quieting the minds of the Irish tenants, they would be able to consider it with the attention it deserved.

Amendment agreed to.

THE EARL OF PEMBROKE moved, in page 6, line 12, after ("estate") to insert ("or for building purposes.") He said that the Government probably intended to give the landlord the right of resumption for building purposes, and the only question was whether that object was covered by the words "for the good of the estate." An ingenious lawyer might argue that the good of the landlord and of the estate were two different things; and, therefore, it would be desirable to have a distinct declaration on the subject.

THE LORD CHANCELLOR said, he had no doubt that the words in the Bill covered the object of the noble Earl, and that the words proposed were unnecessary.

EARL CAIRNS said, it was quite possible the Court might say that a scheme of building was not for the good of the estate. Therefore, his noble Friend proposed to insert the words in question, to indicate one of the purposes which should be deemed for the good of the estate. He thought, however, a subsequent Amendment to be proposed by the noble Earl (the Earl of Belmore) was preferable.

Amendment (by leave of the Committee) *withdrawn*.

THE EARL OF BELMORE moved, in page 6, line 12, after ("estate") to insert—

("Or for using or letting the same for manufacturing purposes, or for building ground, or for villa sites or gardens.")

THE LORD CHANCELLOR said, that the words "for the good of the estate" embraced every purpose for which the landlord ought to have a right to resume possession.

THE MARQUESS OF SALISBURY asked whether "for the good of the estate" meant for the good of the proprietor's pocket, or did it mean the actual improvement of the land as land?

THE MARQUESS OF LANSDOWNE asked whether the words meant "for the advantage of the proprietor;" if so, why was this not stated on the face of the clause?

THE LORD CHANCELLOR objected to these words.

THE DUKE OF ARGYLL asked whether it was the intention of the Government that the proprietors should have the power of resumption in order to apply the land as building land?

THE LORD CHANCELLOR replied in the affirmative.

THE DUKE OF ARGYLL asked why, then, they should not say so in the Bill? There were many estates on which the sole hope of redemption lay in converting a portion of the land to building purposes.

Amendment (by leave of the Committee) *withdrawn*.

EARL CAIRNS moved the insertion of the words "including the use of the ground as building ground."

LORD CARLINGFORD said, the Government would accept this Amendment.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 5 (Repeal of part of s. 3 of Landlord and Tenant (Ireland) Act, 1870, and enactment of new scale).

THE EARL OF DONOUGHMORE moved, in page 6, to leave out from ("provides") in line 27, to ("as") in line 32, both inclusive. He said that he fully understood the necessity of protecting tenants against capricious evictions; but the old scale of compensation was sufficient, especially as the Bill put within the reach of the vast majority of tenants what was practically a 15 years' lease, renewable for ever.

LORD CARLINGFORD said, that though in the case of the great majority of the tenants the sale of the tenants' interest would take the place of the scale of compensation adopted in 1870, and would be better for all parties, there would be a residuum of tenants who would not find protection in the sale of their interests and with whom it was necessary to deal in another way. The Government, therefore, proposed to retain the sections giving compensation for disturbance, and also, influenced by the opinion of the Judges who were administering the Act of 1870—many of whom said that in cases frequently before them they felt the amount of compensation which they were empowered to award was too small—to increase the scale, and strengthen the power of the Court.

THE DUKE OF ARGYLL said, he hoped the Amendment would not be adopted. He admitted, of course, that through the medium of the scale of compensation it would be possible to give absolute perpetuity of tenure; but the change proposed by the Government would not make the scale prohibitive.

EARL CAIRNS said, the noble Lord had stated that there was a small residuum of tenants who would have no saleable interest. It was a strange thing that, because this small residuum of tenants had holdings which were of no value, they were not only to be compensated for those holdings, but compensated on a far higher scale than had been known up to this time. Many of the

County Court Judges said the remedy up to the present time had been the Compensation Clause of the Land Act of 1870. They said cases had come before them in which the landlord was willing to pay full compensation, because he was certain to get a new tenant who would come in and recoup him all he had paid for compensation. Therefore, the very cases which the County Court Judges said they wished to provide for were cases in which, according to their own statement, there was a power of sale on the part of the tenant; and, consequently, it would be unnecessary to resort to the new Compensation Clause of this Bill. He had heard no argument for making compensation to the tenants on a very much higher scale than hitherto. It was proposed to increase the compensation, and in some cases to nearly double it.

THE EARL OF KIMBERLEY contended that the argument of the noble and learned Earl who had just spoken was inconsistent. He did not object to the continuance of the clause of the Act of 1870; but he was opposed to the clause being made satisfactory. The County Court Judges, whose judgment might be accepted on this point as superior to that of even the noble and learned Earl, gave it as their experience that the clause of 1870 had been found to be imperfect.

THE MARQUESS OF SALISBURY said, that when the County Court Judges, or a certain number of them, gave an opinion that this compensation was not sufficient for the purpose, they did not know that it was contemplated to enact a system of free sale. All the cases they cited for the purpose of establishing that this compensation was insufficient were cases which never could arise under a system of free sale. Their opinion might, therefore, be put aside, because it applied to a system which had now altogether ceased to exist. He did not think the clause was of the first importance, because he agreed with the Lord Privy Seal that in the working of the Bill this Compensation Clause would almost entirely disappear. Still, as far as it went, he entirely agreed with the Amendment that was now before the Committee, because it seemed to him that the system of compensation in its principle was anomalous, and that it was not to be defended on any of the ordinary

principles on which property was based. It was impossible to defend a system of compensation for disturbance which applied to tenants paying £500 or £1,000 a-year, for it was quite absurd to say that such tenants were weak persons who were unable to make a contract for themselves, and it was palpably ridiculous to give it the extension proposed.

On question, That the words proposed to be left out stand part of the clause? Their Lordships *divided*:—Contents 91; Not-Contents 180: Majority 89.

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Moore, L. (*M. Drogheda*.)
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Northwick, L.
Clause, as amended, agreed to.

Norton, L.
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Clause, as amended, agreed to.

Clause 6 agreed to.

PART II.

INTERVENTION OF COURT.

Clause 7 (Determination by court of rent of present tenancies).

THE MARQUESS OF SALISBURY moved, in page 8, lines 15 and 16, to leave out the words ("after having demanded from such tenant an increase of rent.") He did not think that such a demand should be a condition of the landlord's access to the Court. He thought it hardly required argument to show that the landlord and tenant should have equal access to the Court, and, when there, be treated on equal terms. He was again obliged to think that there was some especial grandeur

attaching to the landlord who increased his rent, for it was only those who should have increased their rent who would have access to the Court. Could he conceive himself selecting any class of landlords, or any special disabilities, he should be rather inclined to lean against landlords who increased their rents. But such was not the view of the wise men who ruled them. He would have justified his opinion to the House and attempted to demolish the arguments of the Government if they had condescended to give the slightest reason for the abnormal limitation of the provision under consideration. As matters stood, however, he would simply propose that landlords and tenants, like all other subjects of Her Majesty, should be placed upon the same level with regard to their rights of access to Courts of Justice; and with that view he begged to move that the words ("after having demanded from such tenant an increase of rent, which the tenant has declined to accept,") be removed from the Bill.

LORD CARLINGFORD explained the reason of the limitation to which the noble Marquess objected was a desire to induce the parties, if possible, to settle their affairs out of Court. If a landlord should wish to increase his rent, and should not be influenced by the desire of keeping out of Court to come to an agreement with his tenant, he would not be prejudiced by the limitation provided in the clause. He could not accept the Amendment.

THE EARL OF CAMPERDOWN said, that he could see no reason, nor had he heard any, for placing a landlord who had not raised his rent in a less advantageous position than a landlord who had raised his rent.

EARL CAIRNS asked what a landlord was to do who desired to have recourse to the Court for some other purpose than that of raising his rents?

THE LORD CHANCELLOR asked for what conceivable purpose could the landlord be disposed to go to the Court if he did not want to increase the rent? He would not go to the Court to get the rent reduced. If the tenant did not want to go to the Court to get the rent reduced, he would assuredly not go to get it increased. The motive for putting the clause in its present form was that it indicated that if the landlord did wish his rent increased, the better course for him would be to propose the increase he

thought right, and then, if he and his tenants could not agree, to go to the Court.

THE EARL OF DERBY said, he did not think the Amendment very material; but he thought the landlord who desired to protect himself ought to have the opportunity afforded him of going to the Court, even though he had never entertained the idea of raising his rent. He might wish to sell his estate, and to be able to state the amount of the rental as it would stand in future.

THE DUKE OF ARGYLL pointed out there was another occasion when a landlord might wish to go to the Court, and that was when he was denounced by the Land League as a rack-renter. It was well known that over and over again professional agitators had gone about denouncing certain landlords as rack-renters; and tenants, as an excuse for non-payment of their rent, said they were coerced by the Land League. Therefore, he could conceive the landlord wishing to go to the Court to prove before a judicial authority that he was not a rack-renter. He could not conceive why the Government should debar him from doing that.

THE EARL OF ROSEBERY said, the obvious reason for the limitation in this clause was that the Government, as he understood it, considered that the Court was a necessary evil. They wished to encourage recourse to it as little as possible. He hoped the Government would stand by the words of the Bill.

THE EARL OF KIMBERLEY said, he could not admit that the provision in the clause was unreasonable. In the present relations of landlords and tenants in Ireland it was a matter of doubtful policy to encourage the landlords to go to the Court when they did not require an increase of rent, and bring their tenants—generally poorer men than themselves—into Court.

Amendment agreed to.

THE MARQUESS OF SALISBURY moved, in page 8, lines 20 and 21, to leave out the words ("and having regard to the interest of the landlord and tenant respectively.") They had been embarrassed frequently in dealing with this Bill by finding, from time to time, strange phrases, wholly unintelligible or useless in the position in which they were placed. They had never hitherto been able to obtain from the Government any clear

or satisfactory account of these curious fragments occurring in various parts of the Bill; and they were compelled, therefore, to conclude that they were really the seed-bed in which legislation by inadvertence grew up—that they were planted there with a purpose—not with a purpose, but an accidental intention—of creating in future time some right for some favoured class at the cost of some other class. The words he had quoted furnished an illustration. They were one of the wandering fragments to which he had referred. If the Court was not composed of dishonest men, why should they be told that they were to consider the interests of the parties before them? It was like telling a Judge and jury to consider the interests of the plaintiff and defendant respectively. This curious phrase was much more like the end of a lame peroration in some speech than the wording of a sober clause in a grave and important Act of Parliament. Then, it might be asked, why not leave it? Well, Courts of Law had an awkward tendency to imagine—it was very foolish of them—that when the Legislature said something it meant something; and if the meaning was not evident in the words, they would seek it by some mysterious juxtaposition, and strive to honour the Legislature by fixing a meaning to all the words they might use. They had every reason to believe, both from what generally took place in such cases, and from what they had heard from Ireland, that some meaning or other—and that a meaning rather advantageous to the tenant than the landlord—would be placed on this phrase by the Court. The words were either surplusage, or worse than surplusage. If surplusage, they had better not be retained; if worse, the sooner they were got rid of the better.

LORD CARLINGFORD said, he did not know whether the noble Marquess attached much importance to this Amendment or not. It was true the words were not the words of the Government; they were introduced by the House of Commons. They did not make any substantial change. The Government looked upon them as nothing but a general instruction to the Court to give both parties a fair and impartial hearing. He did not see the cause for alarm.

THE DUKE OF ARGYLL said, the words were not accepted until after a

The Marquess of Salisbury

good deal of consideration had been given to them. He knew that a deal of suspicion attached to the words; but he could not conceive. As originally proposed, the Government believing that the tenant was the weak party, and required special protection, the Court was directed to consider the interest alone; but that was felt to be so unfair that this direction was amended to the interest of the landlord also.

EARL CAIRNS said, it was proposed to leave out the words altogether; in the interest of the tenant the words were inserted as they now stood in the Bill.

THE LORD CHANCELLOR said, was it not right that the Court should have regard to the interest of the tenant and to the interest of the landlord? The words would alleviate dissatisfaction among the smaller tenants in Ireland, and he thought their Lordships would act wisely in retaining them.

EARL CAIRNS said, the words in the clause were as full as could be desired without the words objected to.

THE EARL OF DERBY said, the Amendment was verbal and unnecessary, and he hoped it would not be agreed to.

THE EARL OF ANNESLEY said, in Ulster the value of tenant rights often double the value of land; and if the Court had regard to the interest of the landlord and tenant, as indicated by the fact, the landlord might be ruined.

THE MARQUESS OF SALISBURY said, that as the words were admitted to be surplusage, he was afraid he could not divide the Committee.

On question, That the words proposed to be left out stand part of the clause. Their Lordships *divided*:—Contents 184; Not-Contents 184: Majority 91.

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Ailesbury, M.	Saint Germans, E.
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Airlie, E.	Sydney, E.
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Gordon, V. (*E. Aber-*
deen.)
Leinster, V. (*D. Lein-*
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Powerscourt, V.
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Aberdare, L.
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Belper, L.
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Boyle, L. (*E. Cork and*
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Braye, L.
Breadalbane, L. (*E.*
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Calthorpe, L.
Camoya, L.
Carew, L.
Carlingford, L.
Carrington, L.
Clermont, L.
Clifford of Chudleigh,
L.

Crewe, L.
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Emly, L.
Ettrick, L. (*L. Napier.*)
Fingall, L. (*E. Fingall.*)
Foley, L.
Granard, L. (*E. Gra-*
nard.)
Greville, L.
Hare, L. (*E. Listowel.*)
Hatherton, L.

Houghton, L.
Kenmare, L. (*E. Ken-*
mare.)
Kenry, L. (*E. Dunraven*
and Mount-Earl.)

Lawrence, L.
Leigh, L.
Lismore, L. (*V. Lis-*
more.)
Loftus, L. (*M. Ely.*)
Lovat, L.
Lyttelton, L.
Methuen, L.
Monck, L. (*V. Monck.*)
Moncreiff, L.
Monson, L. [*Teller.*]
Monteagle of Brandon,
L.

Napier, L.
O'Hagan, L.
Ponsonby, L. (*E. Bess-*
borough.)
Ramsay, L. (*E. Dal-*
housie.)
Ribblesdale, L.
Rosebery, L. (*E. Rose-*
bery.)
Sandhurst, L.
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Strafford, L. (*V. En-*
field.)
Sudeley, L.
Suffield, L.
Sundridge, L. (*D. Ar-*
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Thurlow, L.
Vernon, L.
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Wenlock, L.
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Redesdale, E.
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Rosse, E.
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Somers, E.
Sondes, E.
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carty.)
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Abinger, L.
Alington, L.
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dale.)
Annaly, L.
Ardilaun, L.
Arundell of Wardour,
L.
Ashford, L. (*V. Bury.*)
Aveland, L.
Bateman, L.
Beaumont, L.
Borthwick, L.
Botreaux, L. (*E. Lou-*
down.)
Brabourne, L.
Brancepeth, L. (*V.*
Boyne.)
Brodrick, L. (*V. Midle-*
ton.)
Carysfort, L. (*E. Carys-*
fort.)
Castlemaine, L.

Chelmsford, L.
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trim.)
Clifton, L. (*E. Darn-*
ley.)
Clinton, L.
Cloncurry, L.
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Crofton, L.
De L'Isle and Dudley,
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Digby, L.
Dinevor, L.
Donington, L.
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Dunsany, L.
Ellenborough, L.
Elphinstone, L.
Foxford, L. (*E. Lime-*
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Gage, L. (*V. Gage.*)
Gormanston, L. (*V.*
Gormanston.)
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Harlech, L.
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riker.)
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Heytesbury, L.
Howard de Walden, L.
Hylton, L.
Inchiquin, L.
Kenlis, L. (*M. Head-*
fort.)
Ker, L. (*M. Lothian.*)
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Lamington, L.
Leonfield, L.
Londesborough, L.
Lovel and Holland, L.
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Lyveden, L.
Manners, L.
Massey, L.
Monteagle, L. (*M.*
Sligo.)
Moore, L. (*M. Drogh-*
eda.)
Northwick, L.
Norton, L.
O'Neill, L.
Oranmore and Browne,
L.
Ormathwaite, L.
Ormonde, L. (*M. Or-*
monde.)
Penrhyn, L.
Plunket, L.
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Leeds, D.
Manchester, D.
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Northumberland, D.
Richmond, D.
Sutherland, D.
Wallington, D.

Abercorn, M. (*D. Aber-*
corn.)
Abergavenny, M.
Bristol, M.
Exeter, M.
Hartford, M.
Salisbury, M.
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Amherst, E.
Annesley, E.
Bandon, E.
Betham, E.

Beauchamp, E.
Belmore, E.
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Carnarvon, E.
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Eldon, E.
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<i>field.</i>)	Windsor, L.
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THE EARL OF PEMBROKE moved, in page 8, line 23, after ("rent,") to insert—

("Provided always, that where application is made to the court under this section in respect of any tenancy, and the court is of opinion that the tenant of the holding in which such tenancy subsists, or his predecessors in title, has or have caused or suffered such holding to become deteriorated, contrary to the express or implied conditions constituting the contract of tenancy, the court may refuse the application, or may postpone the further hearing of the same until after the performance by the tenant of such conditions as the court may think proper.")

He said, that this Amendment was a very important one. Its object was to prevent the deterioration of the holding. One of the greatest dangers which would arise under the Act was that it would hold out a strong temptation to the tenant to allow his farm to get into a bad condition during the last year, with the view of obtaining a lower rent for the next 15 years. The Irish landlords had a right to demand that they should be protected against that kind of thing. He doubted whether, as the Bill stood, the Court would hold that such conduct was "unreasonable" within the meaning of the "equities" clause, and would, on that ground, refuse a statutory term. The Amendment was the outcome of persons who had thoroughly considered the subject. It would be a wise and fair way of meeting a difficulty, and no honest tenant in Ireland need fear anything whatever from it.

LORD CARLINGFORD said, that such a case as was contemplated in the Amendment would be prevented by Clause 8, which provided that where the Court was of opinion that the conduct of either landlord or tenant had been unreasonable, the Court might refuse the application or accede to it, subject to certain conditions.

Amendment agreed to.

LORD VENTRY moved, in page 8, line 23, after ("rent,") insert—

("Provided always, that the court shall not entertain an application made under this section by any tenant who owes more than one-half year's rent until satisfied that such tenant has tendered to his landlord within one year previous to his making such application a sum or sums equivalent to one year's rent of his holding.")

LORD CARLINGFORD said, the Amendment was inconsistent with the intentions and with some of the provisions of the Bill.

LORD VENTRY pointed out that the Amendment ran on the same lines as the clause relating to arrears of rent.

Amendment (by leave of the Committee) withdrawn.

THE MARQUESS OF LANSDOWNE moved, in sub-section 3, which provides that where the judicial rent of any present tenancy has been fixed by the Court such present tenancy shall be deemed to be a tenancy subject to statutory conditions, to leave the following words out:—

("With this modification, that, during the statutory term in a present tenancy consequent on the first determination of a judicial rent of that tenancy by the court, application by the landlord to authorise the resumption of the holding or part thereof by him for some purpose having relation to the good of the holding or of the estate, shall not be entertained by the court, subject nevertheless to the provisions in this Act contained for the benefit of labourers in respect of cottages, gardens, or allotments. Provided also, that such application for resumption may be entertained by the court, if it is satisfied that before the passing of this Act the reversion expectant on the determination of a lease of the holding was purchased by the landlord or his predecessors in title with a view of letting or otherwise disposing of the land for building purposes on the determination of such lease, and that it is bonâ fide required by him for such purpose.")

He remarked that he could discover no reason for drawing this distinction between the first statutory term of 15 years and a subsequent term.

LORD CARLINGFORD said, he could not consent to the Amendment. The Government thought it of great importance that every tenant in Ireland should feel that he had it in his power to obtain a fixed term of at least 15 years, not liable to the chances of resumption by the landlord.

THE DUKE OF ARGYLL was entirely at a loss to understand what object the Government had in putting so heavy a

penalty upon landlords as that proposed by the 3rd sub-section of the clause.

THE MARQUESS OF SALISBURY remarked, that the object of the Government was to show the tenantry of Ireland that they were extremely zealous in punishing the Irish landlord; and the 3rd sub-section, which the Government wished to retain, was an example of their zeal in that direction.

THE EARL OF KIMBERLEY said, the object of the clause was of the greatest importance in the estimation of the Government. Its object was to give the tenants of Ireland 15 years' rest; and if the noble Marquess thought that a laughing matter, those who were responsible for the government of the country took a different view. He might remind the Committee that nearly all their Lordships were landlords. They might not agree with many of the tenants' ideas on the subject—and he certainly did not agree with them all—but it was unreasonable to think that because their Lordships held certain views that they were to dominate entirely over the opinions of all who were concerned in a settlement of this question. He warned their Lordships from looking at the matter in such a light; and as there was an obvious reason why Ireland should have a respite from disturbance for 15 years, he hoped their Lordships would not resist the retention of the words proposed to be omitted.

THE EARL OF AIRLIE supported the Amendment.

THE DUKE OF ARGYLL said, he quite understood the object of the Government. But the unrest of Ireland was not due to the inequality of the laws, for the Prime Minister himself had said that the laws of Ireland were more favourable to the tenant than those of any other country. The unrest was caused by the false doctrines which had been preached in Ireland, and which had been encouraged by the language of Ministers. It was most important that this privilege should be left to the owners of land for the good of the country. He could not support the Amendment, because he did not think it fair and just, and he wanted nothing to be given to the landlord that was not fair and just.

THE EARL OF ANNESLEY asked, how it was possible to expect to obtain a respite from the agitation existing in Ireland if they refused such an Amendment

as this, which would prevent landlords from having the power of doing good to the country when they wished?

THE LORD CHANCELLOR said, that he would be exceedingly glad to believe that there would be a respite to agitation. Nothing would be more gratifying to all of them, and it was simply to bring about that result that the clause was framed. They felt that, as landlords, it was necessary that they should make some little sacrifice to avoid friction as far as possible. They therefore thought it well to postpone for a time the exercise of those privileges of the landlord, which, though in themselves reasonable, might cause great harm if too freely exercised.

EARL FORTESCUE said, that, for the first time, he would vote with the Government. There was a good deal in the reasons they had given; but there was no justice in the course they proposed to take. He was afraid that the Government were too hopeful in thinking that there would be a respite of agitation.

On question, That the words proposed to be left out stand part of the clause? Their Lordships divided:—Contents 77; Not-Contents 195: Majority 118.

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Durham, E.	Braye, L.
Fitzwilliam, E.	Breadalbane, L. (<i>E. Breadalbane.</i>)
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 Monck, L. (*V. Monck.*)
 Monson, L. [*Teller.*]
 Monteagle of Brandon, L.
 O'Hagan, L.
 Ponsonby, L. (*E. Bessborough.*)
 Ramsay, L. (*E. Dalhousie.*)
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Rosebery, L. (*E. Rosebery.*)
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 Skene, L. (*E. Fife.*)
 Strafford, L. (*V. Enfield.*)
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 Amherst, L. (*V. Holmesdale.*)
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 Brabourne, L.
 Brancepeth, L. (*V. Boyne.*)
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 Cotteloe, L.
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 De Freyne, L.
 De L'Isle and Dudley, L.
 de Ros, L.
 Digby, L.
 Dinevor, L.
 Donington, L.
 Dunsandle and Clanconal, L.
 Dunsany, L.
 Ellenborough, L.
 Elphinstone, L.
 Foxford, L. (*E. Limerick.*)
 Gage, L. (*V. Gage.*)
 Gormanston, L. (*V. Gormanston.*)
 Grey de Radcliffe, L. (*V. Grey de Wilton.*)
 Harlech, L.
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 Howard de Walden, L.
 Hylton, L.

Inchiquin, L.
 Kenlis, L. (*fort.*)
 Ker, L. (*M.*)
 Kintore, L. (*L.*)
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 Lovat, L.
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 Stanhope, E.
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 Winton, E. (*E. Eglington.*)
 Zetland, E.
 Clancarty, V. (*E. Clancarty.*)
 Combermere, V.
 Cranbrook, V.
 Doneraile, V.
 Gough, V.
 Hardinge, V.
 Hawarden, V.
 Hereford, V.
 Hill, V.
 Hood, V.
 Hutchinson, V. (*E. Donoughmore.*)
 Lifford, V.
 Malville, V.

THE MARQUESS OF SALISBURY that the Amendment he now move was complementary to one that had been already accepted. It was to carry further the exception

with regard to English-managed estates. By the Amendment made in the 1st clause, it was decided that free sale should not exist upon English-managed estates, and the Amendment which he was now about to propose would exempt such estates from application to the Court to fix a judicial rent. It was unnecessary to argue at length in favour of this exemption. For many years a great deal of money had been expended in bringing those estates up to the level of English estates, and unless this exception was made, such efforts would be discouraged. He begged to move in page 9, line 14, to leave out ("may if it think fit") in order to insert ("shall if the landlord so requires.")

LORD CARLINGFORD said, he would be willing to accept the Amendment if the noble Marquess would consent to retain the words with regard to the improvements that they should be "substantially maintained."

THE MARQUESS OF SALISBURY said, that, practically, the improvements were maintained by the landlord; but if the tenant occasionally cleared out a ditch, it might be alleged that the improvements were not substantially maintained by the landlord.

THE EARL OF KIMBERLEY said, that the word "substantially" implied that the landlord in the main maintained the improvements.

THE DUKE OF ARGYLL remarked, that in Scotland the tenant was under the obligation to maintain the improvements, subject to wear and tear. What he wanted to know was whether the word "substantial" was put in to give case to the Court in its interpretation of the clause, or whether, on the contrary, it was intended to make it more rigid?

LORD LECONFIELD objected to the use of the word "substantial," on the ground that if it were employed the tenant might, under the clause, require the landlord to carry out any substantial repairs which were rendered necessary by the neglect of the former.

Amendment agreed to.

LORD CARLINGFORD moved, in page 9, after sub-section (5.) insert as a separate sub-section—

("6.) Subject to rules made under this Act, the landlord and tenant of any present tenancy to which this Act applies, may, at any time if the tenancy is not subject to a statutory term,

or if the tenancy is subject to a statutory term, then may, during the last twelve months of such term, by writing under their hands, agree and declare what is then the fair rent of the holding; and such agreement and declaration on being filed in court in the prescribed manner, shall have the same effect and consequences in all respects as if the rent so agreed on were a judicial rent fixed by the court under the provisions of this Act."

THE MARQUESS OF SALISBURY expressed approval of the Amendment.

Amendment agreed to.

LORD INCHQUIN moved to insert, in page 9, line 39, after the word ("term,")—

("Provided, that nothing in this section shall apply in the case of any tenancy in a holding the rent payable in respect of which amounts to or exceeds one hundred pounds.")

THE MARQUESS OF LANSDOWNE said, the Amendment of the noble Lord was one of the greatest importance, and he had looked forward to its being pressed in their Lordships' House. His interest in it was the greater because it was moved by a near Relative of his in "another place," where it received a large amount of independent support. The arguments brought forward in support of it appeared to him to be unanswerable. On the one hand, it affected only a very small number of tenants, and on the other it recognized a principle upon which, till now, they had always insisted—the principle that these large tenants were men perfectly able to protect their own interests and not requiring the protection of exceptional legislation. They could not, however, consider the proposal on its merits alone. When it was made in "another place" it encountered the strenuous opposition of the Prime Minister, who founded his opposition on the statement that if the Amendment were agreed to, and these 12,000 tenants excepted from the benefit of this clause, there would remain in Ireland a focus round which the discontent of the future would centre, and which would prevent the Bill from having the good effect which he anticipated for it. These words were, no doubt, weighed by the Prime Minister, and it was their Lordships' duty to weigh them also. They must look forward to the events with which they were likely to be brought face to face during the coming winter. He could see no reason for anticipating that this Bill would

allay the agitation now prevalent in Ireland. Already there were sinister indications that that agitation was likely to be renewed in a shape not less dangerous than that which it had hitherto assumed. Under these circumstances, what would happen if this Amendment were insisted on? The agitation would continue, and they would be told that it was attributable to the alteration made in the Bill by their Lordships. They had already had some experience of the manner in which the House of Lords "mutilations" had been misrepresented, and they might depend upon it that in this case the agitation would be justified as a legitimate protest against their Lordships' action. There was another reason which induced him to think that this Amendment might be dispensed with. They had already inserted in the Bill provisions dealing specially with holdings which had been improved by the landlords, and in a later part of the measure an Amendment would be moved dealing with the question of leases. Both of these Amendments would principally affect the larger holders, whom the noble Lord wished to exclude. Under these circumstances, he ventured to ask his noble Friend whether the inconvenience which might arise from the acceptance of his Amendment might not outweigh any advantages to be derived from it by the landlords?

THE MARQUESS OF WATERFORD hoped his noble Friend would withdraw his Amendment. If the line were to be drawn anywhere it ought to be at £20; but it was the larger tenants whose number it was desirable to increase, and to agree to the Amendment would be to discourage men from taking or buying holdings of £100 in value.

THE MARQUESS OF SALISBURY said, he was disposed to join in the appeal made to the noble Lord. If the Amendment were inserted the tenants to whom it applied would think after the language of the Prime Minister that the vote of the House was specially levelled against them. The advantage to the landlords would be very slight, and would not compensate for the discontent and disaffection which it would excite.

LORD CARLINGFORD heartily concurred in what had been said against the Amendment. The tenants against

whom it was directed were the very men whom the Government wished to protect, for they were the tenants who were most ready to make their own improvements, and the effect of the Amendment would be to discourage them from laying out any of their capital on their holdings.

Amendment (by leave of the Committee) *withdrawn*.

LORD VENTRY moved, in page 9, line 39, after ("term") insert—

("Provided that if the tenant has not before the expiration of the statutory term paid and satisfied the rent payable during the same a further statutory term shall not commence, and the tenant shall become a future tenant.")

LORD CARLINGFORD said, he could not accept the Amendment.

THE MARQUESS OF WATERFORD said, he hoped the Amendment would not be pressed.

Amendment (by leave of the Committee) *withdrawn*.

House resumed; and to be again in Committee *To-morrow*.

· ECCLESIASTICAL COURTS REGULATION BILL [H.L.]

A Bill to amend an Act of the Parliament holden in the Third and Fourth Years of the reign of Her present Majesty, chapter ninety-three—Was presented by The Earl BEAUCHAMP; read 1^a. (No. 201.)

House adjourned at a quarter before
One o'clock A.M., till
Four o'clock.

HOUSE OF COMMONS,

Thursday, 4th August, 1881.

MINUTES.]—SELECT COMMITTEE—*Report*—
Railways [No. 374].

SUPPLY—considered in Committee—ARMY ESTIMATES.

Resolutions [August 3] reported.

PUBLIC BILLS—*Second Reading*—Irish Church Act Amendment [235]; Corrupt Practices (Suspension of Elections) [238]; British Honduras (Court of Appeal) [233]; Pedlars (Certificates) [234]; Universities (Scotland) Registration of Parliamentary Voters, &c. [232].

Withdrawn—Poor Relief and Audit of Accounts (Scotland) (*re-comm.*) * [239]; Exemption from Distress [116]; Canal Boats Act (1877) Amendment * [197].

WITHDRAWAL OF RESOLUTION.



POLICE SUPERANNUATION (GREAT BRITAIN).

COLONEL ALEXANDER said, that although he had for the fourth time secured the first place for his Motion respecting Police Superannuation, he did not intend to bring it forward, and for two reasons—first, because he did not wish to stand in the way of the Government in their natural desire to obtain Supply, especially at this period of the year; and, secondly, on account of the unavoidable absence of the hon. Member for West Essex (Sir Henry Selwin-Ibbetson), who presided over the Select Committee which was appointed by the late Government, and who was anxious to take part in the discussion. He regretted this the more because he believed the Home Secretary intended to accept the principle of the Motion; but if next Session the Government did not deal with the subject of Police Superannuation, both in England and Scotland, he should be prepared to bring forward the Resolution of which he had already given Notice.

QUESTIONS.



BULGARIA—ARREST OF M. ZANKOFF.

MR. LABOUCHERE asked the Under Secretary of State for Foreign Affairs, Whether he has received any confirmation of the statement in the public journals, that M. Zankoff, the President of the late Ministry in Bulgaria, has been arrested; and, whether, if so, he will instruct Her Majesty's Representative in that country, to urge that M. Zankoff be secured in every respect the Constitutional and legal rights assured to him by the Constitution which was adopted by Bulgaria in 1878 with the concurrence of all the Great Powers?

SIR CHARLES W. DILKE: Sir, according to the information received by Mr. Lascelles from the Bulgarian Minister for Foreign Affairs, Mr. Zankoff and Mr. Slaveikoff, after leaving *Sistova*, held meetings at various places in opposition to the new order of things; and on their arrival at *Plevna*, which is in a state of siege, the authorities placed them under arrest, and informed them

that they were not to remain in the town. On their expressing a wish to proceed to *Rustchuk*, they were set at liberty and allowed to go there.

POST OFFICE — METROPOLITAN LETTER-CARRIERS.

MR. SCHREIBER asked the Postmaster General, Whether, before the Post Office Vote is taken, he will arrange to receive a deputation from the Metropolitan letter carriers, who desire to be heard by him in support of the statements contained in their Petitions of the 26th April?

MR. FAWCETT, in reply, said, that he could only repeat what he had already stated on this subject. He had received numerous Memorials from the letter-carriers in various parts of the country, and those Memorials were now being carefully considered. As yet he had not found it necessary to supplement the statements contained in them by personal interview; and he was, therefore, unable to accede to the request of the hon. Member that he would receive a deputation.

ARMY ORGANIZATION — THE NEW ROYAL WARRANT—PURCHASE LIEUTENANTS AND CAPTAINS.

SIR JOHN HAY asked the Secretary of State for War, If he would explain why a purchase lieutenant, who may possibly have invested about £800 in the State, is not allowed some recompense on compulsory retirement for the retention of that sum, while a purchase captain with (say) £2,400 invested in the State is allowed £100 a-year for life for its use on being compulsorily retired?

MR. CHILDERS: Sir, in reply to the right hon. and gallant Baronet, I have to say that the cases of the purchase captains and purchase lieutenants are altogether different. The former, who have not been promoted, were compensated by the Warrant of 1877 for the loss of their over-regulation money, and now will receive further compensation to the extent of £50 a-year, in consideration of their compulsory retirement at 42 instead of at 55. The purchase lieutenants who become non-purchase captains were liable, under the Warrant of 1877, to compulsory retirement at 40. They are benefited, not injured, by the Warrant of 1881, which enables non-

purchase captains to obtain half-pay majorities, and ultimately honorary lieutenant-colonelcies. Of the £800 mentioned in the Question, only £100 was over-regulation money, and this, in 1877, was considered to be fully met by the promotion given to the officer. Under these circumstances, it is manifest that I should not be justified in disturbing the settlement of 1877 as to these officers.

INDIA—LAW AND JUSTICE—CASE OF JADHAVRAI HARISHANKAR.

SIR DAVID WEDDERBURN asked the Secretary of State for India, Whether his attention has been directed to the Petition of Jadhavrai Harishankar, now a prisoner in Tanna Gaol, praying for a new trial, or for the revision of his case by an independent judge; whether the principal witness against Jadhavrai has been subsequently tried and convicted, and, in the course of this subsequent trial, certain missing documents relied upon by Jadhavrai to prove his innocence, were actually produced; whether the Judge and Sessions Judge of Tanna reported to the Bombay Government in favour of a review of Jadhavrai's case by an independent judge; and, whether he will lay upon the Table of the House the reasons assigned by the Bombay Government for refusing to grant the petition for a new trial or a revision of this case?

THE MARQUESS OF HARTINGTON: Sir, my attention has not been previously directed to the Petition referred to. It appears, however, from the political proceedings of the Bombay Government that Jadhavrai Harishankar, a prisoner under sentence for forgery, has submitted to that Government two Petitions, in which he has alleged that fresh evidence has been discovered which went to establish his innocence, and he prayed to be released. It appears that Mr. Coghlan, the Sessions Judge of Tanna, did represent to Government "as an official visitor of the gaol," that the case of the prisoner Jadhavrai Harishankar appeared to him to be one which deserved consideration. Several Reports have been made on the case by the two judicial officers, Mr. Candy, who had tried and sentenced the prisoner, and Mr. Aston, who had tried and sentenced one of the witnesses against the prisoner, and by the political officer at Kattiawar.

Mr. Childers

The Bombay Government resolved, on both occasions, stating no reason, "not to interfere with the sentence appealed against." The Government of Bombay appear to have acted entirely within the limits of their authority, and, no doubt, on legal advice. There was no obligation on them to state the reasons for their decision, and it would have been unusual for them to have done so. As at present advised, I do not see that there is on the face of these proceedings any ground for calling for further explanation from the Government of Bombay.

ARMY ORGANIZATION—THE NEW ROYAL WARRANT, SEC. 66.

SIR ALEXANDER GORDON asked the Secretary of State for War, Whether it is the case (as has been stated) that, by Article 66, of Section 1, Part 1, of the new Army Warrant, commanding officers of battalions of Infantry will be unable to exchange with other commanding officers (as hitherto allowed when such exchanges were approved by the Commander in Chief) without losing their position as commanding officers, and becoming subordinate officers under the command of the newly created second lieutenant colonels; and, whether he will alter the Warrant so as to rectify so great an injustice?

MR. CHILDERS: Yes, Sir; my hon. and gallant Friend has rightly interpreted the New Warrant; but I have no intention to amend it in the way he suggests. We deprecate, on the score of efficiency, exchanges between lieutenant colonels commanding battalions of different regiments, and I have no wish to make such exchanges more easy.

UNITED STATES OF AMERICA—REPORTS OF THE DEPARTMENT OF AGRICULTURE.

MR. R. H. PAGET, who had the following Question on the Paper:—

"To ask the Under Secretary of State for Foreign Affairs, if he will endeavour to arrange for the transmission, each month, as soon as published, of the Reports issued by the Agricultural Department of the United States at Washington; and, if he will place a Copy in the Library of the House of Commons, and send a Copy to the Central Chamber of Agriculture, with a view of securing the circulation of the information to all interested in agriculture?"

said, that in consequence of a private communication received from the Under

Secretary of State for Foreign Affairs, for which he thanked the hon. Gentleman, it would not be necessary for him to put the Question.

SIR CHARLES W. DILKE said, that instructions to the effect stated in the Question had now been despatched to Her Majesty's *Chargé d'Affaires* at Washington.

ARMY—BARRACK SERGEANTS.

MR. R. H. PAGET asked the Secretary of State for War, Whether he will avail himself of the present opportunity, when the position of Non-Commissioned Officers in the Army is being generally improved, to review the conditions of service of Barrack Sergeants; and, whether in view of the onerous and highly responsible duties performed by Barrack Sergeants, when in sole charge of stations and stores, he will be good enough to consider the advisability of improving their position, as to pay and pension?

MR. CHILDERS: No, Sir; I am not prepared, so long as barrack sergeants are chosen from pensioners, to increase their emoluments; but I am not quite satisfied that the present system is a good one, and that it would not be better to select barrack sergeants from men still in their Army engagements, which might possibly be extended. I will look into the question during the Autumn.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881— MESSRS. M'DONOUGH AND FINN, PRISONERS UNDER THE ACT.

MR. D. O'CONOR asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has further considered the case of Messrs. M'Donough and Finn who have been arrested under the Coercion Act at Gurteen, county Sligo; and, whether it is not a fact that Finn is a man of weak intellect, and not likely to be the leader of any conspiracy against Law and order?

MR. W. E. FORSTER, in reply, said, that he had carefully considered the case of the two men, and he did not believe it would be consistent with the peace of the county to release them at present. Their cases, however, should be carefully reconsidered at the end of three months. He understood that al-

though Finn suffered occasionally from an attack of sunstroke, that was only occasional, and did not affect him to any very serious extent.

POOR LAW (IRELAND)—UNION RATING.

COLONEL COLTHURST asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he will consider the possibility of introducing next Session a Bill to Assimilate the Law of Union Rating in Ireland to that prevailing in England?

MR. W. E. FORSTER, in reply, said, he considered that the argument was strongly in favour of the assimilation of the law of union rating in the two countries; but he was aware that there would be a good deal of opposition to such a measure in Ireland. He should be disposed, however, to consider very carefully the possibility of carrying it into effect; but he could not pledge himself that a Bill on the subject would be brought in next Session.

MR. HEALY asked whether the right hon. Gentleman was not aware that the opposition to the proposal came from the landlords?

MR. W. E. FORSTER said, he was not aware of that. He repeated that, in his own opinion, there were strong arguments in its favour.

POOR LAW (IRELAND)—OUT-DOOR RELIEF.

COLONEL COLTHURST asked the Chief Secretary to the Lord Lieutenant of Ireland, If he will cause an inquiry to be made into the exclusion of certain non-able-bodied classes from outdoor relief in Ireland, the same classes being entitled to it in England?

MR. W. E. FORSTER, in reply, said, that he would certainly ascertain the precise position of this matter; but he was not quite sure that his hon. and gallant Friend was not under some misapprehension. The Boards of Guardians had considerable power in this case. Section 1 of the Poor Law (Ireland) Act provided—

“That Guardians of the poor of every union in Ireland shall make provision for the due relief of all such destitute poor persons as are found to be disabled from labour by reason of old age, infirmity, or bodily or mental defect, and of such destitute poor persons as may be disabled from labour by reason of severe sickness or

serious accident, and who are thereby deprived of the power of earning a subsistence for themselves and their families, and of poor widows having two or more legitimate children dependent upon them; and it shall be lawful to the Guardians to relieve such poor persons in or out of the workhouse as to them may seem fitting."

If his hon. and gallant Friend found that that section did not cover all cases, he should be very glad to receive private information of cases that it did not cover.

STATE OF IRELAND—DISTURBANCE AT NEW ROSS.

MR. REDMOND asked the Secretary of State for War, Whether his attention has been called to an outrage committed by soldiers in New Ross on Friday the 22nd instant, the circumstances of which are reported as follows in the "Wexford People" of the 27th instant:—

"Shortly after eleven o'clock on Friday night last, Edward Murphy, who is employed as a driver by Mr. Keely, of Cross Lane, New Ross, was returning home from Kilkenny, where he had been in the discharge of his duties. He had reached the locality known as Sugarhouse Lane, when he was met by a crowd of drunken soldiers. One of the number, who has the privilege of going out in plain clothes, and who is said to be an officer's servant, jumped up on the car upon which Murphy sat and demanded to be driven to the barrack. Murphy refused, when the soldier struck him with all his might, felling him to the earth. Several others of the party immediately set upon the unfortunate man, whom they beat and kicked in the most savage manner. Murphy was unable to defend himself, and lay entirely at the mercy of his assailants, who, when they rendered their victim insensible, went to amuse themselves with the horse and car. Murphy's cries for assistance having been heard in the meantime, his wife and some neighbours soon arrived and conveyed the wounded man to his residence. At present he is in rather a critical condition, his head and shoulders being a mass of wounds."

whether the foregoing report is substantially accurate; and, if so, what steps he has taken to insure the punishment of the perpetrators of this outrage and to protect the inhabitants from a repetition of such scenes; whether he is aware that continual complaints have been made of the conduct of these soldiers since they have been stationed at New Ross; and, whether he will inform the House of the grounds upon which the Government deem it necessary to maintain a military force in the town?

Mr. W. E. Forster

MR. CHILDERS: No, Sir; I am satisfied that the report in *The Wexford People* quoted by the hon. Member is greatly exaggerated. I find that a sergeant, two corporals, and a private, all of whom were sober, were returning to barracks on the evening of the 22nd of July, when the private slipped and hurt his knee. They hailed a passing car, and the carman at first offered to take them to barracks, but, being in liquor, he afterwards refused, although the fare was tendered, pushed two of them off the car, and struck them across their faces with his whip. A scuffle ensued, and he was knocked down, but very slightly injured. The matter was settled between the soldiers and the carman, who, at first, complained at the barracks, but afterwards declined to pursue his complaint. I am also satisfied that continual complaints are not made against the soldiers at New Ross, whose conduct is exemplary. They have on several occasions been pelted with stones, but have never retaliated. In answer to the third Question, I have to say that troops were sent to New Ross on the recommendation of the magistrates.

MR. REDMOND said, that, in consequence of the reply which had just been given to his Question, and which was at variance with the details supplied to him from information the credibility of which he could not for a moment question, he thought it his duty to make two or three observations, and, in order to enable him to do that, he would conclude with a Motion. ["Oh, oh!"] He was not surprised to find that some hon. Members were impatient to hear that he proposed to do so; but he offered no apology for taking this course. The exceptional and unconstitutional manner in which government in Ireland was being carried on at present, not only warranted, but seemed to him to demand the strictest investigation and the utmost vigilance from the Irish Members. During the prolonged discussions which had taken place on the Land Bill they on the Irish Benches sat in patience and reticence, while events had been happening which, under other circumstances, would certainly have called for the promptest interference on their part; but that Bill having been taken from the House of Commons, they thought it to be their imperative duty to draw attention to things which were being done in the

name of law and order. With regard to this outrage in New Ross, he could state deliberately that this was not an isolated case. It was one of many instances of this conduct which had disgraced these troops while they had been stationed in New Ross. In the present condition of feeling in Ireland, and especially in a place like New Ross, this was a matter of very grave importance. It was not alone that the people looked upon their presence there as an absolute insult to them. It was not alone that their feelings were continually outraged by the presence and conduct of the troops; but actually the peace and good name of the town were imperilled by their conduct and presence. He held in his hand letters which he had received from respectable men—from men who were intimately concerned in maintaining the public peace and order of New Ross—from clergymen, from gentlemen who held offices of public responsibility and trust, and every one of these men informed him that the presence of these troops in New Ross was not only a source of anxiety to them, but was a constant source of irritation to the people. Last February he had occasion to ask the Chief Secretary for Ireland if he would state upon whose representation these men were sent to New Ross, and of course the right hon. Gentleman refused to disclose the names of the individuals who had “reasonably suspected” the locality; but he (Mr. Redmond) happened to know something about the circumstances under which these troops were sent there. He happened to know that a memorial was got up in New Ross which pretended to speak on behalf of the people of New Ross. He had reason to know that some of the local magistrates actually refused to sign this memorial, and that ultimately it only received the signature of a few individuals in no sense representative men, every one of whom was directly interested in creating a state of things which would warrant coercion. New Ross was absolutely peaceful at the time; but it was absolutely essential that an excuse for coercion should be produced, and consequently this demand was made for military protection. He had no hesitation in saying, from his own personal knowledge, and the information supplied to him from responsible men, that these troops since they

had been sent to New Ross had been the perpetrators of outrages which had more than once almost led to serious collision and conflict with the people. He had received a letter from the Chairman of the New Ross Town Commissioners, who stated that there was no doubt that the soldiers were concerned in a very brutal and cowardly attack upon poor Murphy, a most inoffensive man. They attacked him without the least shadow of reason, beat him, dragged him, and kicked him off the car, made his head one mass of bruises, inflicted several wounds upon him, and then drove off. The fact that the soldiers paid £5 to hush the matter up formed a strong case against them. Murphy would not accept the money, but his employer induced him to do so, as if he took further proceedings it might injure the employer in certain quarters. More than one of the attacking parties were sergeants or corporals. He (Mr. Redmond) would recommend the Chief Secretary for Ireland, if he wanted “dissolute ruffians,” to go to the men who perpetrated such outrages as these, and leave alone the peaceable respectable men upon whom he was now laying hand in Ireland. He sincerely hoped that the announcement that appeared in that day's papers that the right hon. Gentleman intended to give up the reins of government in Ireland would turn out to be true. The Chairman of the New Ross Commissioners further stated that—

“The conduct of these soldiers had given much annoyance, and caused much offence to the people. They were not required to establish law and order; but they irritated public feeling, and increased the dissatisfaction of the population generally with British institutions.”

He had another letter from a well-known and esteemed clergyman, stating that the facts set forth in his Question were substantially correct, and adding that Murphy, who was one of the most inoffensive of mortals, was brutally beaten by the soldiers out of mere drunken wantonness. In another portion of the letter the rev. gentleman stated that before Murphy came up that night the soldiers were engaged somewhere near or outside the chapel, mimicking the confessional, one representing the priest, and another representing a girl supposed to be confessing to him. He need not say that an outrage more insulting to

the feelings of the Irish people, or more likely to lead to a breach of the peace, could not have been committed. Would the Government undertake that the men who committed these outrages would be sought out and punished? They heard a great deal about disturbance in Ireland; but when provocation of this kind was given to the people, how was it possible that peace and order could be maintained in the country? How long more would these soldiers be kept in a town that was utterly free from outrage? The Chief Secretary for Ireland looked at him, as much as to say that he knew from his myrmidons that certain threatening notices had been posted up there. So they had, but he now stated advisedly that a deliberate attempt was being made by certain people in New Ross to induce the Government to proclaim the district; that the outrages reported were bogus outrages, got up by the enemies of the popular party in New Ross. He now challenged the Government to sift this matter to the bottom, and to withdraw these troops from the town where they were not required, and where their presence was a source of danger to peace and order. The hon. Member concluded by moving the adjournment of the House.

MR. HEALY, in seconding the Motion, said, all the ill feeling between the people and the soldiers in Ireland arose from the fact that the Government were now sending over English regiments instead of Irish regiments, which used to be popular in the country. Unfortunately, the Government did not seem inclined to trust Irish regiments at present, and the Englishmen they sent to Ireland despised the population, and insulted them in every possible way. He received a letter a few days ago from Birr charging the 28th Regiment, stationed there, with serious misconduct, and he intended to ask the Chief Secretary to investigate the very grave allegations his correspondent made. Again, that morning, they had a report of an outrage by Marines in Bantry. The Secretary of State for War, no doubt, only stated his account of the affair as it was represented to him. But it had not even an air of *verisemblance*. It was not likely that one of these soldiers, who were generally pretty steady on their pins, would fall down and cut his knee in the way described. There was no necessity

whatever for these soldiers in this district.

Motion made, and Question proposed, "That this House do now adjourn."—*(Mr. Redmond.)*

MR. CHILDERS said, that the practice of moving the adjournment of the House had grown very much of late years, and in some cases the right to make that Motion had been abused. There was no doubt, however, that in this instance the hon. Member had adopted a course which had been taken in no other instance. Generally, when a Motion of this kind was made, it was made on the sudden, in consequence of some unexpected answer, or in consequence of some excitement of the moment; but in this instance the hon. Member had come down with a number of cases in his hand and with volumes of notes of minute particulars relating to them, and fully prepared to move the adjournment of the House. In his opinion, that was a manifest abuse of the liberty of moving the adjournment of the House; and if such a practice were to become general it would be utterly impossible to transact Public Business. The hon. Member had asked him a definite Question with reference to an occurrence at New Ross, and he had asked the hon. Member to give him time to make inquiries into the matter; but now the hon. Member came down with a number of other cases, such as the priest and the girl who were interrupted in the course of confession, and of the two soldiers who assaulted a woman, of which cases he had had no Notice, and with regard to which he had received no information whatever.

MR. REDMOND said, that he had only referred to those cases in reply to the statement of the right hon. Gentleman that no other outrages had been committed by soldiers in the district.

MR. CHILDERS said, he must repeat that the course that had been taken by the hon. Member was extremely inconvenient. With regard to the case referred to in the hon. Member's Question, he could only say that inquiry showed that the soldiers were sober and that the carman was drunk, and that a scuffle having ensued between them, blows were exchanged after the carman commenced the affray. Eventually the matter had been settled by the carman receiving, he believed, the sum of £5

Mr. Redmond

in compensation, on which he withdrew his complaint. In these circumstances, he did not think that he was called upon to re-open the matter. With regard to the case of the priest and the girl, he asked whether the former had made any complaint?

MR. REDMOND said, that the priest had complained to him on the day of the occurrence.

MR. CHILDERS asked whether complaint had been made to the military authorities?

MR. REDMOND said, that he had been asked to take the matter up.

MR. CHILDERS said, that it was the duty of the priest to have made a complaint to the military authorities, who would have inquired into the matter. If the soldiers had done anything wrong, it was the duty of the person injured to make an application to the officer in the first instance, and he would have inquired into the case. As to the second Question, apparently the case to which it referred was not brought under the notice of the commanding officer. And yet the hon. Gentleman, without Notice, moved the adjournment of the House, thereby causing great delay. He hoped that the answer he had given to the hon. Gentleman would be satisfactory, at all events, to the House.

MR. JUSTIN M'CARTHY said, the right hon. Gentleman had complained bitterly of the practice of moving the adjournment of the House; but it was no uncommon thing even for right hon. Members to come down prepared to move adjournments of the House if answers were not satisfactory. It was not so long since a noble Lord on the Front Opposition Bench had given Notice that he would come down the next day, and if a certain Question was not satisfactorily answered, would move the adjournment. Was it not true that the right hon. Gentleman knew nothing about the £5 which had been paid? That fact should make him more inclined to make further inquiries into the matter, so as to provide for justice being done. The question was not a question between the men and the soldiers, but it was a question affecting the public of Ireland, and the payment of £5 had not changed the character of the case; therefore, he trusted that the right hon. Gentleman would make further inquiries into the matter.

MR. ANDERSON said, the right hon. Gentleman (Mr. Childers) had complained bitterly of the adjournment being moved, and it was undeniable that the privilege of moving an adjournment of the House at Question time had been abused during this Session, and especially for about two months past; but the Government had themselves alone to thank for that, because, about two months ago, he had the first place on the Notice Paper for a Motion to put an end to this practice, and if the Government had come down to keep a House that night, his Resolution would have been passed with the greatest facility, and these Motions for adjournment could not have been made. They had been made very often since then, and had taken up a great deal of the Government time most unnecessarily, and had tended greatly to prolong the Session.

MR. NEWDEGATE said, he trusted that the House would retain some means of entering a protest against Motions for adjournment. They placed the House in a most ridiculous position. They were asked to take the command of the Army, and he, as an humble Member of the House, protested against being placed in the position occupied by the Dutch Commissioners during Marlborough's wars, as he knew nothing of the subject.

MR. O'DONNELL said, that when he complained of very grave outrages committed in Dungarvan by a body of troops, the only reply he got from the responsible Minister was an account read by him which had been communicated to him by the colonel of the regiment, who stood up for his soldiers. The people of Dungarvan, finding from the way in which the Question was answered, that no attention was paid to their complaints, formed a local popular police, which resulted in the removal of the riotous soldiers from Dungarvan. He hoped the right hon. Gentleman would be able to put some check upon the conduct of those militarists in Ireland; at all events, he ought to be able to do so. And he ought also to be able to give better information than he had been able to do on the present occasion. It was a very disagreeable thing to the parish priest or to the people of the place to have to go to the barracks and make complaints to the officers about the soldiers; for the officers, as a rule, did not disguise the very slight respect they

held for Irish opinion. In his opinion, the best way was for the people to make appeals direct to their Members of Parliament, who could bring the subject before the House.

MR. LEAMY said, he thought it was hardly to be wondered that so many complaints were made about the soldiers in Ireland, when it was borne in mind that wherever a case was brought against a soldier it was generally dismissed by the magistrate. About six weeks ago, a tradesman and his wife and sister were walking through the streets of Dublin, when they were met by a couple of soldiers. One of the soldiers used some infamous language towards the women. The tradesman turned round and asked what he meant. The answer he got was a blow with a stick. He prosecuted the soldier. Four witnesses proved the case; the soldier, however, denied it. An officer came forward and gave him a good character, and the magistrate dismissed the charge, notwithstanding all the witnesses who proved the assault. The very next case on the list, before the same magistrate, was one in which a labourer was charged with assaulting a soldier. The labourer denied the charge; but the magistrate held it was proved, and he passed sentence of seven weeks' hard labour. The course that was being pursued now by the soldiery in Wexford was very similar to that pursued by the soldiery sent there by Castlereagh to precipitate the rebellion. The soldiers insulted the priests and their religion, until at length the men of Wexford rose to arms and made such a splendid resistance, that the name of Wexford has become an inspiration and a hope. If, at the time, every county in Ireland had done as well as Wexford, his hon. Friend would not have been under the necessity of coming here and asking foreigners to redress outrages done to the people of Ireland.

MR. CHILDERS said, he wished to explain that he had not said anything about the payment of £5 as compensation in his reply, because nothing had been said about it in the Question. What he said was that the carman had settled with the soldiers.

MR. BIGGAR said, he was of opinion that the practice of moving the adjournment of the House was the only safeguard which the Irish Members had that

any attention would be paid by the Treasury Bench to their applications. Mischief was likely to arise when soldiers were placed in a position where they were not required, and when they acted the part of a riotous mob in a peaceable town, the charges made against them for their misconduct ought not to be allowed to be withdrawn simply because a particular complainant might not choose to appear.

MR. REDMOND said, he would have thought the Secretary of State for War knew sufficient of the incorrigible character of the Irish Members to prevent his taking up the time of the House by addressing lectures to them. As the right hon. Gentleman had not promised to re-investigate that case, he would certainly press his Motion to a division.

Question put.

The House divided:—Ayes 11; Noes 191: Majority 180.—(Div. List, No. 352.)

ENDOWED SCHOOLS COMMISSIONERS —CHRIST'S HOSPITAL.

MR. BRYCE asked the Vice President of the Council, Whether he will state what is the present position of the scheme for the future management of Christ's Hospital which the Endowed Schools Commissioners have been occupied in framing; and, when it is likely to be laid before Parliament?

MR. MUNDELLA: Sir, I have caused inquiry to be made of the Charity Commissioners as to the position and prospects of the Christ's Hospital scheme, and I have received the following answer:—

"The draft scheme prepared by the Charity Commissioners for Christ's Hospital was published last August, and the Governors and others were allowed until the 31st of December to state their objections and suggestions. The objections and suggestions received are very numerous and weighty, and in respect to some of the points raised further investigations are requisite and are in progress. It is impossible at present to say when the Commissioners will be in a position to submit the scheme to the Education Department."

MR. CAINE asked whether the Vice President of the Council was aware that the Governing Body of Christ's Hospital insisted upon the production of a certificate of baptism before admission to the benefits of the foundation, thereby excluding members of the Society of

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Friends, Baptists, and others; and whether, in framing a new scheme, he would suppress such an aggressive and unjust prohibition? Such a case had happened that day with regard to the child of a Baptist.

Mr. MUNDELLA, in reply, said, he was not aware that such a provision existed; but when the scheme came into the hands of the Education Department he should be ready to omit any inequality of that description.

ARMY—PROMOTION BY SELECTION.

THE EARL OF BECTIVE asked the Secretary of State for War, Whether, owing to the promotion on the 1st July 1881 of a Major from the half-pay list to the rank of Lieutenant Colonel in the 6th Dragoon Guards, the senior Major of that Regiment has been superseded by thirty Majors of Cavalry and one hundred and forty-nine Majors of Infantry; and, if so, if he will explain the reason?

Mr. CHILDERS: Sir, I gather from the Question of the noble Lord that he considers that the senior major of a regiment is entitled to be promoted to a lieutenant-colonel's vacancy. That, no doubt, is a common practice; but since Lord Cardwell's declarations in February, March, and June, 1871, to the effect that while promotion in the lower regimental ranks would generally be by seniority, those to the higher ranks would be generally by selection, the Royal Warrants have made it quite clear that no officer has a right to consider that he has a claim to this promotion, and the responsibility is thrown on the Commander-in-Chiefs, with the approval of the Secretary of State, to select lieutenant-colonels. In the present case, the Duke of Cambridge proposed, and I approved the exercise of this responsibility; and it would evidently establish a bad precedent if I gave the reasons for taking this course.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—GEORGE PATTERSON, A PRISONER UNDER THE ACT.

Mr. HEALY asked the Secretary of State for War, Whether his attention has been called to a paragraph headed "A Suspect's Career," in the "Leinster Leader" of the 16th July, in giving an

account of the career of Mr. George Patterson, of Edenderry, a veteran soldier; and, if he has ascertained of what offence this old soldier, who has served in several campaigns and shed his blood for the Queen is suspected?

Mr. CHILDERS: Sir, in reply to the hon. Member, I have to state that I have obtained a copy of the paragraph in question, from which I gather that a Mr. George Patterson had been arrested under the Act of this Session, and that he is stated to have enlisted in the Army 41 years ago, and since his discharge to have been until lately living in New South Wales. I find that a private of that name was discharged in 1853, and I presume he is the same man. I have no information as to the offence of which he is suspected beyond the statement in the Parliamentary Paper of this Session, No. 316, item 155, to which I must refer the hon. Member. It is not my duty to follow up the career of soldiers who left the Army some 30 years ago.

POST OFFICE (TELEGRAPH DEPARTMENT)—TELEGRAPH TO SHETLAND.

Mr. LAING asked the Financial Secretary to the Treasury, Whether it is the fact that, owing to the interruption of the Postal Telegraph to Shetland from the delay in procuring a repairing ship, storm warnings cannot be conveyed there by telegraph, which might often, and especially on the occasion of the late disastrous gales, be the means of saving the lives of many of the poor fishermen; and, whether, in view of this lamentable occurrence, the Treasury will at once sanction the acquisition by the Post Office of a suitable repairing ship to maintain those Telegraphic Cables to Orkney, Shetland, the Lewis, and other islands of Her Majesty's dominions?

LORD FREDERICK CAVENDISH: Sir, I am informed that the Meteorological Office did not predict the gale of July 20 to the north of the Shetlands. Storm warnings have never been sent north of Kirkwall, nor has there been any application for them from Shetland; but even had it been the custom so to send them, no warning could have been sent of this particular gale. I can only repeat the answer I have previously made, that I admit the inconvenience that has been experienced this year from having no repairing ship, and that I will

carefully consider the question in connection with next year's Estimates.

FOREIGN JEWS IN RUSSIA—EXPULSION OF MR. L. LEWISOHN, A NATURALIZED BRITISH SUBJECT.

BARON HENRY DE WORMS asked the Under Secretary of State for Foreign Affairs, Whether it is true that the Russian Government has not made any complaint as to the conduct of Mr. Lewisohn during his stay in Russia, and that the sole cause of his expulsion from that Country was that endorsed on his passport, viz. that he is a Jew; whether both the legal adviser of Her Majesty's Embassy at St. Petersburg and the Law Officers of the Crown have declared that the expulsion of Mr. Lewisohn from St. Petersburg was illegal; if so, whether any representations have been made to the Russian Government on the subject, and with what result; and, whether Mr. Lewisohn will now be permitted to go to Russia for purposes connected with his ordinary business as a London merchant, and be enabled to claim the protection accorded to all other British subjects in that Country who are not Jews?

SIR CHARLES W. DILKE: Sir, it is true that the Russian Government have made no complaint against Mr. Lewisohn, and that we are not aware of any reason for his expulsion, except the fact of his being a Jew. Her Majesty's Chargé d'Affaires has, under instructions from Earl Granville, addressed a Note to the Russian Government calling their attention to the proceedings in Mr. Lewisohn's case; but although Mr. Wyndham has reported a conversation on the subject, no written answer has yet been received. I am not in a position, therefore, at present to state whether Mr. Lewisohn will be allowed to return to Russia.

BARON HENRY DE WORMS: Will the Papers be laid on the Table?

SIR CHARLES W. DILKE: Yes, Sir. I have promised that they will be produced; but they cannot be laid on the Table until the Correspondence now going on is completed.

STATE OF IRELAND—LAND LEAGUE MEETING AT DROGHEDA.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland,

Lord Frederick Cavendish

Whether his attention has been directed to the Correspondence in the "Free-man's Journal" between Mr. Clifford Lloyd, R.M. and the Rev. H. M'Kee, P.P., the Rev. W. P. Kearney, O.C., and others, as to the alleged threat made by Mr. Lloyd to cause the police to fire on the people at Drogheda on New Year's Day; and, whether the Government will grant a sworn investigation into the matter?

MR. W. E. FORSTER, in reply, said, he had seen the correspondence in question, and did not consider the case one in which it was the duty of the Government to order an investigation to take place.

MERCHANT SHIPPING (EXPERIMENTS ON STEEL).

MR. DILLWYN (for Mr. CARBUTT) asked the President of the Board of Trade, Whether he has seen a Blue Book entitled "Merchant Shipping (Experiment on Steel)." — Memorandum issued by Board of Trade for use of Surveyors, containing the Remarks of the Engineer Surveyor in Chief and his Assistants upon the use of Milled Steel manufactured by the Steel Company of Scotland, together with an Appendix showing the Tabular Results of Experiments made with regard thereto; and, if so, whether he would take into his consideration how far it is fair to other manufacturers of steel who have been longer engaged in perfecting the material, and who have had more experience, that the weight of the Department should be used to bring before the public one of the latest established steel works in Great Britain; whether he will give the same facilities to the large steel works in South Wales, Lancashire, and Yorkshire, who for years have supplied Her Majesty's Dockyards, to have experiments on their steel brought under the notice of Parliament with the same publicity; and, whether he would state the total cost of the Blue Book issue, which is charged 5s. 6d. to the public?

MR. CHAMBERLAIN: Sir, I am glad the Question has been asked, as it gives me an opportunity of publicly correcting a misapprehension on which it is based. The facts of the case are these. The Board of Trade is under statutory obligation to fix the maximum pressure beyond which marine boilers shall not be worked, and recently, in

consequence of the introduction of milled steel, out of which these boilers are now made, applications have been made to the Board of Trade by the makers of steel and users of these boilers to reduce the prohibition as to safety. The Board of Trade replied that they could not do that without proper evidence, and then the makers of steel requested the Board of Trade to undertake experiments for that purpose. The Board of Trade replied that they had no funds out of which to conduct such experiments, but that they would have no objections to allowing their officers to attend and supervise the experiments, and to publish the results if conducted at the expense of the companies concerned. Six considerable firms accepted the offer of the Board of Trade, and the first experiments were made by the Northern Company of Scotland, and were the first completed. The Blue Book referred to in the Question gives the result of those experiments. There are five other series of experiments to be made, and the results will be published in their turn. The Board of Trade will be ready to extend the same facilities to any other Companies under the same conditions. I do not think the Blue Book has been an expensive one; but it was absolutely necessary that the results of the experiments should be published for the information of the Board of Trade and the Admiralty.

GROUND GAME ACT—PROSECUTION FOR TRESPASS.

MR. J. W. BARCLAY asked the Secretary of State for the Home Department, Whether his attention has been called to a trespass case tried at Stonehaven on Wednesday last where the sheriff substitute inflicted on a farm servant a fine of one pound, with four pounds expenses, for walking over rough pasture on his master's farm with a gun, his master having the benefit of the Ground Game Act, and the servant having alleged he had a written permission from his master, which he had left at the farmhouse; whether he did not say, when the Bill was passing this House, that, under circumstances as described, production of the written permission at the farmhouse would be held to be production on demand, and no

judge would convict; and, whether, under the circumstances, he will remit the sentence?

SIR WILLIAM HARCOURT, in reply, said, he had made inquiry into the case mentioned, and he had received a report from the sheriff. It was not a case in which the man had left his written permission behind him, as he never had any permission at all. Even if he had, however, he would have violated the law by going in search of game in the month of June, which was an unlawful time under the Act; therefore, the point did not at all turn upon his leaving his permission behind him. He had received a statement of the gentleman who acted for the landowner in the prosecution, and he stated that if it had been shown to Dr. Young or his factor that the accused had a permission, the proceedings would have been withdrawn; but no such permission was ever shown to have existed.

LAND LAW (IRELAND) BILL—RELEASE OF PRISONERS UNDER THE PROTEC- TION OF PERSON AND PROPERTY (IRELAND) ACT, 1881.

MR. J. COWEN asked the First Lord of the Treasury, If the Government will accompany the "message of peace" which they are about to send to Ireland either by the release of the two hundred persons kept in prison without trial, or accord them the constitutional right of having an opportunity of defending themselves before being punished? The hon. Member, after putting his Question, said, he would not put it at the present moment if the right hon. Gentleman thought the period inopportune.

MR. GLADSTONE: Sir, I hardly feel justified in asking my hon. Friend to delay this Question, because if I were to ask him to do that, it would be like making myself a party to the Question, and, probably, giving occasion to expectations which I might not be able to fulfil. I think it would be better to take the Question as it now stands, and to say this. Naturally and necessarily when a Bill of an exceptional character is in force under which a number of individuals have been confined upon the responsibility of the Government, it is the desire and duty of the Government at all times, in connection with any Land Bill or any other way, to look at the

question whether at all, and if so how far, it is in their power to counteract or put an end to such a state of things. That is a standing duty. This Question, however, places the exercise of the duty in especial connection with the Land Bill, which is glanced at in the Question as a "message of peace." Of course, it will be obvious to my hon. Friend that we do not at all know what decisions the House of Lords, in the exercise of its discretion, may arrive at with regard to the Land Bill, nor what view this House may take in respect of that decision. Consequently, the contingency which my hon. Friend has proceeded upon is one that is not yet realized as one which it is possible for us to have before us, as one of the facts of the case. But, in making that declaration, I must beg not to be understood as conveying, in any manner or degree, any anticipation of any decision of the Government in one of the gravest matters it could have to consider, which it only can consider from time to time, according to the circumstances of the case, on a comprehensive view.

SOUTH AFRICA—THE TRANSVAAL— THE CONVENTION.

MR. GLADSTONE: A Question having been put to me more than once, very naturally, on the subject of the Convention with respect to the Transvaal, I may mention that the Government have to-day received a brief intimation that that Convention has been signed; that the transfer of the functions of Government will take place upon the 8th; and that the Commission is breaking up. The Chief Justice and the President of the Orange Free State had actually departed; Sir Evelyn Wood has gone back to Natal; and on the 6th Sir Hercules Robinson was to return to the Cape.

PARLIAMENT—BUSINESS OF THE HOUSE—A SATURDAY SITTING.

MR. GLADSTONE stated that it would be necessary for the Government to ask the House to sit on Saturday, in order to proceed with the Business in Committee of Supply.

NAVY—TORPEDO BOATS.

CAPTAIN AYLMER asked the Secretary to the Admiralty, Whether, as
Mr. Gladstone

stated in the "Nautical Gazette of New York" of the 9th ultimo, two vedette or torpedo boats have just been built in the United States for the British Government; whether these boats are faster, cheaper, and better than any that can be produced in this Country; when he expects these boats to arrive; and, if he will be good enough to state the size and cost of these boats?

MR. TREVELYAN: Sir, two vedette boats have been built of wood in the United States for the British Government. They are 48 feet long, and are designed for a speed of 14 knots. They have been delivered in England, but have not been tried yet. Their cost is £2,500 each, delivered in England. English-built, wooden vedette boats are a little slower, and cost something less. English-built torpedo boats of steel, with 16 knots speed and 67 feet long, cost no more than these Herreshoff vedette boats; which will, however, put us in possession of a very novel form of boiler, which is supposed to be remarkably free from danger of explosion.

NAVY—H.M.S. "INFLEXIBLE."

CAPTAIN AYLMER asked the Secretary to the Admiralty, Whether it is true, as reported, that H.M.S. "Inflexible" draws some three feet more water than was calculated in her design; and, if not, if he will state the exact difference between the contemplated and real draught of said ship?

MR. TREVELYAN: Sir, the *Inflexible*, equipped and stored, with bunkers full, and with the rig which would not be used in time of war, when only the two lower masts will be retained, will have a mean draught of 25 feet 6 inches. Since the *Inflexible* was designed first her guns have been changed from 60 to 80 tons, her torpedo equipment and torpedo boats have been added, and her complement of men has been raised by 100. Allowance was made for all these changes in the amended estimate from time to time, and the *Inflexible* draws within an inch and a-half of what she was expected to draw by the Constructive Department.

JAPAN—TREATY REVISION.

SIR EDWARD REED asked the Under Secretary of State for Foreign

Affairs, Whether the Government will lay upon the Table of the House the Correspondence which has taken place with the Government of Japan respecting the application of the Laws of Japan to foreigners; the trade in opium; and the closing of the Foreign Post Offices; if he will state the present position of the question of Treaty of Revision; and, when the Papers upon this subject will be presented to Parliament?

SIR CHARLES W. DILKE: Sir, the question of the application of the laws of Japan to foreigners is dealt with incidentally in the general Correspondence relating to Treaty revision. The importation of opium into Japan is prohibited by Treaty, but a question has arisen with reference to the supply of opium for medicinal purposes to the foreign community, and it is proposed to discuss this question in the course of the negotiations. The foreign Post Offices were closed by agreement in 1879, and there will be no objection to lay the Papers relating to this subject on the Table, together with the general Correspondence, when the negotiations are concluded. At the request of the Japanese Government, it has been agreed that the negotiations for the Treaty revision shall take place in Japan, and Her Majesty's Government are at the present moment in communication on the subject with the other Treaty Powers, and with the Chambers of Commerce in this country, and the principal firms interested in the trade with Japan. Her Majesty's Government have signified their willingness to proceed with the negotiations on the basis of Article 22 of the Treaty of 1868, under which notice of revision was given by the Japanese Government, and which provides that either party may demand a revision of that Treaty with a view to the insertion therein of such amendments as experience shall prove to be desirable. It is not possible at present to state how soon the Papers on the subject may be presented to Parliament.

TUNIS—THE ENFIDA CASE.

THE EARL OF BECTIVE asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government are aware that the Bey of Tunis, under the instigation of M. Roustan, has issued a decree removing the

Enfida case from the Hanafi local court to the Meliki local court, although, early in the present year, he declared he had no power to control the action of those courts; if Her Majesty's Government are aware that the Meliki court formerly declared itself incompetent to entertain the suit, and that the French Government, prior to the 12th May, declined the jurisdiction of the local Tunisian courts for the Enfida case; whether Her Majesty's Government consider these acts of M. Roustan and the Bey are an infringement of the Anglo-Tunisian Treaty of 1863, and contrary to the tenor of Lord Granville's Letter of the 21st April, and therefore violations of the rights of a British subject; and, if Her Majesty's Government can inform the House, whether or not the acts aforesaid are approved by the French Government, and if they are prepared to take any steps in the matter?

SIR CHARLES W. DILKE: Sir, the Enfida case has been removed by a decree of the Bey from the Hanafi to the Meliki Court, and Mr. Levey having protested against this measure, further proceedings have been suspended. As regards the second part of the Question, Her Majesty's Government have been given to understand that the Maliki Court had formerly declared itself incompetent to entertain this suit; and it appears from Lord Lyons' despatch of the 16th of February—which has been laid before the House—that the French Government had declared—

“That it was impossible, under the circumstances, that the French Government could consent to leave the Enfida question to the decision of the Tunisian local authorities.”

Her Majesty's Government are awaiting a further Report as to the facts of the case, and, in the meanwhile, they are not in a position to form an opinion as to whether the proceedings that have taken place constitute a violation of the Anglo-Tunisian Treaty of 1863, or of Mr. Levey's rights as a British subject. Her Majesty's Government have directed Mr. Arpa, the Judge of the Consular Court at Tunis, who was absent on leave, to return to his post, and furnish a Report on the legal bearings of the case. Recent communications have passed between Her Majesty's Govern-

ment and the French Government on the subject with a view to a satisfactory solution.

TRINIDAD—OUTBREAK OF MALARIAL FEVER.

MR. ANDERSON asked the Under Secretary of State for Foreign Affairs, If the attention of the Colonial Office has been drawn to an unusual amount of malarial fever of a malignant kind existing in Trinidad, by which a number of valuable lives have been lost; if he is aware that the inhabitants have had indignation meetings blaming the Governor for his supineness and apathy in not taking steps for improved sanitation, and particularly for not insisting on the removal of one special nuisance arising from the lees pond of the Colonial Company to which much of the sickness is attributed; and, whether he will send out such instructions to the Governor as will lead to the allaying of the dissatisfaction that exists?

SIR CHARLES W. DILKE: Sir, no official Report on this matter has been received, but the local newspaper contains a report of a meeting on the subject of the lees pond of the Colonial Company which is alleged to be a nuisance and to have caused serious illness in its neighbourhood. One of the resolutions at this meeting complains of the Executive not having taken decided steps to abate the alleged nuisance. A Report from the Governor will probably be received by next mail, as it appears that the resolutions of the meeting were to be sent to him with a request that he would forward them to the Colonial Office. I may add that a letter has been received from the Colonial Company, in which they assert that it is quite impossible that the outbreak of fever in question can be in any way attributable to the lees pond, and that the nuisance was entirely removed when the rains set in.

COOLIES (INDIAN) AT LA RÉUNION.

MR. ERRINGTON asked the Under Secretary of State for the Colonies, Whether the "décret" for the protection of the Indian labourers in the Island of La Réunion has yet been received by the Colonial Office; and, if so, whether he can make any statement as to the views of the Colonial Office with regard to the "décret," and as to the expe-

diency of sanctioning further emigration from India to La Réunion?

SIR CHARLES W. DILKE: Sir, the "décret" has been communicated to Her Majesty's Government by that of France, and is now under the consideration of Commissioners appointed on the part of the Foreign and India Offices to discuss the question of coolie emigration to La Réunion with the French Government.

IRELAND—CROPS IN MUNSTER—HARVEST LABOUR.

MR. WARTON (for Lord ARTHUR HILL) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is aware that in Munster some crops are likely to be lost, owing to the fact that labour cannot be obtained; and, if so, whether he will give directions that assistance shall be rendered by the troops, when practicable, or whether he will devise some other mode by means of which those crops will be saved?

MR. W. E. FORSTER, in reply, said, he was aware that there was a dispute between the labourers and the farmers in regard to wages and other matters, and he saw some hope that it might be arranged, and, therefore, could not say that the crops would not be obtained. As to assistance being rendered by the troops, it was a very serious matter indeed to give directions to the troops to interfere in what was after all a wages dispute between the parties. A very strong case would be necessary to warrant such interference.

MR. PARNELL asked whether the constabulary had assisted in mowing and storing hay on farms in possession of the Emergency Committee, and whether an aide-de-camp, a member of the Lord Lieutenant's household, had been used as an agent for the purpose of making extensive purchases of agricultural implements on behalf of the Emergency Committee?

MR. W. E. FORSTER asked the hon. Member to give Notice of his Questions.

COURTS MARTIAL—INDIA.

MR. GRANTHAM asked the Secretary of State for India, Whether he has received any communications from India as to an alleged refusal on the part of the Government in India to reimburse Lieutenant Colonel Malcolmson, C.B.

Sir Charles W. Dilke

and Major Currie, the expenses they were respectively put to in defending themselves at the trial by court martial, ordered to be held in consequence of charges made against them by Brigadier General Burrows and Nuttall, which charges were disproved at the trial on which Colonel Malcolmson and Major Currie were honourably acquitted?

THE MARQUESS OF HARTINGTON, in reply, said, no communication had been received from India on the subject of the refusal on the part of the Government to reimburse the officers mentioned, nor had the Home Government received any applications in any other form. Of course, if any such application were made it would be considered; but it would be contrary to all precedent to grant it.

WAYS AND MEANS—TERMINABLE ANNUITIES BILL.

MR. HUBBARD said, on the second reading of this Bill he should move an Amendment which he had not yet formulated, and asked the Prime Minister for information as to when the Bill would be proceeded with?

SIR STAFFORD NORTHCOTE: Sir, with reference to the Notice that has just been given by my right hon. Friend the Member for the City of London, I should like to ask the Prime Minister whether it is of great public importance that this measure should be proceeded with this Session, because I think that it would lead to more discussion than it was originally thought would take place upon it? I do not put the question in a hostile spirit, and if it is inconvenient to the right hon. Gentleman to reply to it just now I shall not require an answer at this moment.

MR. GLADSTONE: I certainly will consider the matter. I have no reason to suppose that any considerable opposition will be given to the measure; but nothing has been determined in reference to the matter at present.

NAVY—THE ROYAL MARINES.

SIR HENRY FLETCHER inquired whether the proposed re-organization scheme for the Royal Marines would be laid upon the Table in time for it to be discussed during the present Session?

MR. TREVELLYAN: Sir, there is nothing that can fairly be called a re-

organization scheme for the corps of Royal Marines, nor has any such been promised or foreshadowed. The alterations that are to be made will date back to the 1st of July, so that no one who is to be benefited by those alterations will suffer by the delay. I think the hon. and gallant Member's request a very fair one; and I will see if the details of our proposals can be laid before the House before it rises.

EAST INDIA REVENUE ACCOUNTS—THE FINANCIAL STATEMENT.

MR. ONSLOW asked when the Indian Budget would be taken; and whether it would be taken before facilities were given for bringing on the Welsh Sunday Closing Bill?

MR. GLADSTONE, in reply, said, that the Indian Budget, being a matter of Imperial concern, must undoubtedly be taken into consideration before the Welsh Sunday Closing Bill was brought on. At the same time, there was no reason why, if the promoters of the latter measure found themselves in a position to bring it on previously, they should not do so. He could not fix a day for the Indian Budget until further progress had been made with Supply.

CATTLE DISEASE—THE SIBERIAN PLAGUE.

MR. BIRKBECK asked the Vice President of the Council, Whether his attention has been called to the Report of Mr. Spear relative to the Siberian Plague, and the extreme danger of its spreading to our flocks, and also the danger of fatality to the wool sorters; whether it is a fact that upwards of 100,000 bales of Eastern wool are annually imported into England, and proved to be capable of much danger; and, whether he has considered, in view of its dangerous properties, the desirability of prohibiting the sale of the sweepings from the manufacturers' sorting rooms, and also the sale of the old bags?

MR. MUNDELLA: Sir, Mr. Spear's Report has been considered by the Veterinary Department, and Professor Brown has written a Memorandum on the subject, which I propose to lay upon the Table. Outbreaks of "anthrax" are not uncommon in Russia, and have occurred occasionally in this country, although the disease has not generally

extended beyond the farm where the outbreak took place. There is only a single instance recorded where the disease arose on lands which had been partly manured with refuse from woollen factories. Under these circumstances, there does not appear to be any necessity for the prohibition suggested by the hon. Member.

EDUCATION DEPARTMENT—ELEM-
TARY SCHOOLS—GRANTS FOR
DRAWING.

MR. G. PALMER asked the Vice President of the Committee of Council on Education, If he is aware that the payments for results in drawing in the Elementary Schools have been this year in many cases unsatisfactory to the teachers and managers; and, is he willing to state to the House why the payments are so much less this year in comparison with last year?

MR. MUNDELLA: Sir, I have been made aware by numerous complaints that the payments for results in drawing in the elementary schools have this year been unsatisfactory to teachers and managers as compared with last year. The reason why the payments are much less this year than last is that in 1879 a Circular was issued, the Department announcing a change in the mode of assessing the grant. This change was made with the view of securing better instruction in drawing, and in lieu of a payment of 1s. for every child who had been taught drawing, 1s. would be paid for each satisfactory exercise, not being more than three in number. The Circular also gave notice that the standard of examination would be raised "sufficiently to counterbalance the increase in the number of payments." It would appear that, instead of both these changes being brought into operation simultaneously, the schools had the benefit of the increased grants in 1880, but that the raising of the standard was deferred till 1881. Hence there is a falling off in the grant this year as compared with last.

PARLIAMENT—ORDER—MOVING AD-
JOURNMENTS AT QUESTION TIME.

MR. ANDERSON asked the Prime Minister whether the Government had arrived at any conclusion as to what they would do with regard to his Motion as to proposals for adjournment

during Question time? If the Prime Minister desired it, he would move the Motion that evening.

MR. GLADSTONE, in reply, said, he was not ready to make any announcement on the subject—not because the intention of his hon. Friend did not commend itself to him, or that he did not agree very much with the proposal which he believed he intended to make, but because the question connected itself with so many matters of detail relating to the Business of the House that it was a grave question whether it was desirable to deal with it as an isolated matter, or whether it would not be more advantageously included in the general consideration of the arrangements of the House and the despatch of Public Business.

MR. ANDERSON said, that, under these circumstances, he would not move his Resolution.

PARLIAMENT—PRIVILEGE (MR. BRAD-
LAUGH)—NEW WRIT FOR NORTH-
AMPTON.

SIR WILFRID LAWSON said, that he wished to put the following Question to the right hon. Gentleman in the Chair:—Whether, as the House has decided forcibly to prevent Mr. Bradlaugh, one of the duly elected Members for Northampton, obeying the statutory obligation under which alone he can serve his constituents in this House, the seat for Northampton is now vacant; and, whether it is competent for any Member to move that a Writ be issued for the election of a Representative to serve in Parliament for the borough of Northampton in the room of Mr. Bradlaugh?

MR. SPEAKER: The hon. Member for Carlisle will allow me to state that the Speaker is bound to answer all Questions on points of Order that may be put to him as they arise; but I must respectfully observe that the Question that the hon. Baronet now puts to me is one which relates to a matter which is for the determination of the House itself. I may say, however, that the House does not entertain any proposal for issuing a new Writ for any constituency unless the seat be vacant.

SIR WILFRID LAWSON asked how the seat was to be declared vacant?

MR. SPEAKER: That is not a matter for me to determine.

Mr. Mundella

ORDERS OF THE DAY.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ARMY—MOUNTED INFANTRY.

RESOLUTION.

SIR ROBERT LOYD LINDSAY, in rising to move—

"That, in order to meet the requirements of modern warfare, and to secure rapidity of movement for troops armed with breech-loading rifles, some provision be made in this year's Army Estimates for the formation of corps of mounted infantry, and that a proportion of such corps form part of the Army establishment in future,"

said, he did not desire to see a new branch of the Service established; but he wanted greater mobility to be given to our Infantry, who were, nevertheless, not to relax their efforts to improve themselves in the use of the rifle. Almost inestimable service was rendered in a campaign by giving additional power of locomotion to the troops engaged in it. He had no doubt that hon. Members who had taken interest in modern campaigns had observed that themselves. They might remember the very wonderful marches which Sir Hugh Rose made in India with troops mounted on ponies and mules. If his hon. and gallant Friend the late Member for Sunderland (Sir Henry Havelock) had been in the House he would have said something in support of the Motion he had brought forward. The success of Sir Henry Havelock's mounted riflemen was recorded in Malletson's *History of India*, from which he begged to quote the following passage:—

"Thus 60 men, organized on a novel plan—that is to say, as mounted riflemen—had effected, with almost nominal loss, in five days, during which they marched about 40 miles a-day, what 3,000 regular troops had for six months failed to accomplish—namely, the complete expulsion of 4,600 rebels from the province, and in the infliction on them of a punishment which has not to this day been effaced."

With reference to operations in Cabul in December, 1880, the advantage of having a body of mounted infantry available for service was forcibly brought to notice, and Lieutenant General Sir Frederick Roberts accordingly gave

orders for the formation of such a body. A committee was assembled to consider the subject, and the result was as follows:—One officer and 60 rank and file were selected from each regiment from men best able to ride. Each man was provided with a pony or mule from the regimental transport. The baggage saddles were so far converted as to make them suitable for riding, and were furnished with stirrups. Each man was provided with a pair of "khoojins," or native saddle bags, and in these were carried 60 rounds of ammunition in two tin cases holding 30 rounds each, three days' rations, and one day's grain for the pony; the total weight of these articles was 17 lb. Blankets were carried, folded under the seat, and fastened by a surcingle; greatcoats were carried, rolled up behind; also a picketting rope and peg; spare shoes and nails were carried in a pocket in the saddle. For British soldiers a small Warren's cooking pot was adopted for every four men, carried by one of each squad in a bag specially suited for the purpose. The equipment of the infantry soldier was not changed; but when mounted the men carried their rifles slung across their backs. There was no doubt that a body of infantry possessed of such mobility might on many occasions prove invaluable, whether the object was to relieve or re-inforce a distant post, or seize a point of vantage; while the increased distances they would traverse might be of the greatest service. In an essay written for the Wellington Prize in 1871, Sir Garnet Wolseley said—

"The next time we take the field, if the general has the same views as the writer, he will be as strong in mounted infantry as he can, with due regard to the forage resources of the country to be operated in."

He added—

"The offensive operations of mounted infantry must be by flank attacks. Its great power of moving enables it to make wide turning movements, knowing that, if beaten off, the enemy's infantry cannot pursue, and that from his cavalry it has nothing to fear."

In the same essay he said—

"With reference to the use of cavalry in attacks upon an enemy's position, the more one studies the battles lately fought in France, the more one is convinced that the chief use of cavalry henceforth will be as the eyes and ears of an army. The days of grand imposing charges of horsemen in masses are past, and only to be remembered among the spirit-stirring

deeds of a bygone era. During the late war (Franco-German), the cavalry on both sides remained idle listeners to the roar of distant guns, or, when this course was departed from, the result proved the folly of the proceeding. We read of whole regiments of French cavalry being, as it were, crushed to death by the infantry fire at Sedan in their efforts, not so much for victory, as to prove that all chivalrous gallantry had not departed from their army."

The deductions which Sir Garnet Wolseley drew, therefore, from the most recent lessons in war was that during an action, cavalry, as a combatant arm, could seldom be of much decisive use; while the duties of obtaining information of the enemy's doings and of protecting the flanks could be more effectively performed by corps consisting of mounted infantry and cavalry in the proportion of four to one in favour of the mounted infantry. In a lecture on mounted riflemen at the United Service Institution, delivered in 1873, Sir Evelyn Wood, now second in command in the Transvaal, said—

"The experience gained during the war of 1870-1 has confirmed the opinion, long held by many soldiers, that mounted riflemen are now essential to every enterprising army."

In the course of that lecture, delivered seven years ago, Sir Evelyn Wood, then Colonel Wood, urged with great energy—and, let him say, with great courage—as an army reformer, the necessity of forming such corps, and he laid down this resolute proposition—namely, that before the next war a scheme for establishing mounted riflemen must be decided upon. And on that question, he said,

"all thinking soldiers are agreed, and that it only remains necessary to ascertain which plan is the most suitable for the British nation."

But he added—

"If the formation of such troops is postponed until war is imminent, it will be hurriedly and, therefore, badly executed."

He would read an extract from Sir George Colley, written from the camp, at Newcastle, January 17, 1881, which showed that Sir Evelyn Wood's words were almost prophetic. In that letter Sir George Colley said—

"I confess that I was greatly disappointed that the effect of the artillery fire, which, even when the Boers came out of their cover, and crowded the ridges pretty thickly, seemed absolutely nil; and to this and the failure of Brownlow's charge I attribute the loss of the day. But in justice to Brownlow's second troop it

must be remembered that they consisted only of mounted infantry very recently organized. It was a steep and bold charge, and some of their horses, with little training, could not be brought to face the fire."

It was rather curious that Sir Evelyn Wood should have had an opportunity of proving the very thing that he said nine years ago, when he remarked that unless that matter was taken in hand at leisure and done in time of peace, they would have it done in time of war, and done badly and insufficiently. Now, he himself was not an alarmist as to this country, with its small Regular Force, being able to hold its own in every part of the world, as it was called upon to do; but it was a matter of grave consideration how that could best be done in future. In every war in which we had been engaged, from the Peninsular down to the Zulu War, the British troops had invariably met other troops who were not so well armed as themselves. Even in the Indian Mutiny, the Sepoys, although trained by English officers, were only armed with Brown Bess, while our troops used breech-loading rifles. But things were reversed in the case of the late contest with the Boers of the Transvaal. Breech-loading rifles were now so cheap and so easily obtained that every nation, and even every savage tribe that intended to go to war, would take care to provide themselves with those weapons. Unless, therefore, we took such steps to keep ourselves in advance and to alter our tactics and the equipments of our Army as our most experienced officers recommended, we might be placed in a position of great difficulty at no distant day. He trusted the Secretary of State for War would take the matter into consideration; and he (Sir Robert Loyd Lindsay) believed that if it were shown, as he thought it could be, that the additional outlay requisite for that important purpose was not large, the House would cheerfully vote the funds which the Secretary of State for War deemed necessary. The hon. and gallant Member concluded by moving the Resolution of which he had given Notice.

SIR BALDWIN LEIGHTON, in seconding the Resolution, observed that its importance could hardly be over-estimated. He was convinced of the necessity of organizing a mounted infantry force in time of peace, instead of leaving it to be improvised to meet emer-

Sir Robert Loyd Lindsay

gencies when war broke out. He thought that the men employed in the force contemplated by the Resolution should be men from 5 feet 3 inches to 5 feet 4 inches in height. In fact, the smaller and lighter they were the better; and the horses on which they should be mounted should be small and under 15 hands high. They should be taught to act in very small bodies. He agreed in every word which had fallen from his hon. and gallant Friend, and he thought that the object in view might be carried out without adding anything to the Army Estimates, or, at least, with only a trifling increase of their present cost.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in order to meet the requirements of modern warfare, and to secure rapidity of movement for troops armed with breech-loading rifles, some provision be made in this year's Army Estimates for the formation of corps of mounted infantry, and that a proportion of such corps form part of the Army establishment in future,"—(*Sir Robert Lloyd Lindsay.*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR THOMAS ACLAND said, he wished to take that opportunity of thanking the hon. and gallant Member for Berkshire for having brought the question forward, and for the trouble he had taken in directing the attention of the military authorities to it. He had himself, as a civilian and as a retired Volunteer, made inquiries on the subject, and was convinced of its importance, but saw difficulties in the way of giving practical effect to the suggestion of the hon. and gallant Member. There was, in the first place, the difficulty of carrying the rifle on horseback. They had, however, a regiment of Carbineers in the Service, and he believed they would never get the Yeomanry of the country to carry firearms until the example was set them in the Army. The proposal of the hon. and gallant Gentleman was one which ought to be taken up with more spirit; and he trusted that, between this time and next year, the question would be considered at the War Office in all its bearings.

MR. CHILDERS said, he looked upon the question as being a very important one, and though, technically, the ques-

tion could not, he thought, be put, as it would involve an addition to the Estimates, he very cordially thanked the hon. and gallant Gentleman for having brought the question before the House. So alive, indeed, were they to its importance that, in connection with the outbreak of hostilities in South Africa, they acted in the direction suggested by making an experiment, which, however, did not bear fruit, as hostilities had ceased before the troops reached the Cape. In the first place, they did what had been urged by many officers of experience—they armed a certain number of Cavalry with the long rifle. The question as to whether Cavalry could conveniently carry the long rifle had, no doubt, been a matter of much dispute; but there were those in the War Office who thought it could be accomplished, and that it might be possible to arm a large proportion of British Cavalry with that weapon. In the second place, they organized and sent out to South Africa under Major Barron a body of Mounted Rifles. As he had stated, owing to the cessation of hostilities, they were not brought into action, but if they had, then there would have been a good test of the value of the suggestion made by the hon. and gallant Gentleman opposite. The Motion of the hon. and gallant Member for Berkshire contained the words "corps of mounted infantry." Now, the formation of a regular standing corps of Mounted Infantry was a matter which required to be well weighed. They had already Dragoons, Carbineers, Hussars, and Lancers, and to add a fifth denomination would be a movement in the wrong direction. What they wished to do was to simplify the divisions of the Cavalry rather than to add a special corps, which would soon come to be regarded as a Cavalry regiment. What he hoped might be done was to take measures to have among our Infantry soldiers a considerable proportion of men who knew how to ride, and to provide in time of peace a sufficient store of saddles and other necessary equipments. If this could be done it would meet the object which the hon. and gallant Member had in view; because we should then have ready on our hand, when the time came, facilities for using our Infantry soldiers in the way he had suggested. He was very much disposed to see whether something could

not be done which would give us, in time of actual service, a good Mounted Infantry, trained in the use of the rifle, and with the simplest accoutrements. There were at the War Office several experienced officers who had given this question their careful consideration, and with their assistance he hoped before next year to be able to arrive at some decision which would be generally acceptable to the House.

LORD EUSTACE CECIL said, he wished to express his pleasure that this important question had been raised by his hon. and gallant Friend, and his satisfaction at the answer given by his right hon. Friend the Secretary of State for War. There would, however, as he feared, be a difficulty in providing the horses. He suggested that as there was at present a light company in each regiment, there should also be a mounted company, which could act either upon foot or upon horseback, as the case might require. There had never been a better corps than the Cape Mounted Rifles. It did very good service, and seemed to him to be a model for mounted infantry. He was only sorry that that body had been done away with, and he should be very glad if his right hon. Friend would come down to the House and say that he would revive it in another form.

CAPTAIN AYLMER said, it would be useless to arm the Cavalry with long rifles, unless the whole of the accoutrements were altered, and even then he doubted their efficiency. What was wanted was a corps of small men, with light sling rifles, and mounted on small horses, lightly accoutred, so that they could gallop up to a given point without unnecessary fatigue, dismount, and fire as rapidly as possible, and then be ready in a moment to mount and ride off.

SIR WALTER B. BARTTELOT urged the Secretary for War to act upon the lines which he had suggested without delay.

GENERAL BURNABY said, he should be glad to see a larger distribution of pistols amongst soldiers than there was at present. The foreign Armies were extensively armed with them. The Evans' pistol, of American make, was the best. As to magazine rifles, those of the Evans' make were admirably adapted to use by mounted infantry. The magazine of this rifle carried 21

rounds, and it did not possess the disadvantages of the spiral spring. Russia had recently purchased 20,000 of these rifles, and he thought a trial should be made of them.

Question put, and agreed to.

ARMY—LONG SERVICE SOLDIERS.

OBSERVATIONS.

COLONEL COLTHURST, who had a Notice on the Paper to call attention

"To the necessity that exists for retaining a certain proportion of soldiers serving for pension exclusive of non-commissioned officers,"

said, he would not delay the time of the House by discussing the question; but, believing that men of that character would give increased strength to the British Army, he would ask the right hon. Gentleman the Secretary of State for War whether soldiers who had a moral, if not a legal, claim to re-engage, provided their characters and physique were satisfactory, would be allowed to do so? To make short service effective it was necessary to have a considerable leaven of old soldiers.

SIR HENRY FLETCHER said, he approved the proposal of the hon. and gallant Gentleman opposite. It was absolutely necessary for the maintenance of discipline that there should be a certain proportion of old soldiers in a regiment.

MR. CHILDERS said, that the soldier—other than the non-commissioned officer—had no right or expectation to be re-engaged; but he had stated that it had been determined to allow commanding officers to make recommendations of individual soldiers enlisted under the former rules for re-engagement, and each case would be considered on its merits. But, as a general rule, if a man was not fit to be a non-commissioned officer within the first 12 years of his service, he would not be likely to give fair value for his money during the succeeding nine years. Part of the attraction of the new system was that after a non-commissioned officer had served 14 or 15 years, it was very likely that he would get on to the permanent staff of the Militia or the Volunteers. Again, by an arrangement between the War Department and the Government of India a certain proportion of short service men would be allowed to extend

Mr. Childers

their period of service with the Colours from 8 to 10 or even 12 years. As to the influence of old soldiers, he doubted very much whether the influence of the re-engaged private was good; and, on the whole, he thought it better not to establish any general principle as to re-engagement.

SIR WALTER B. BARTELOT said, he was glad to hear the statement of the right hon. Gentleman, because he was satisfied that young soldiers in India were not capable of performing the work required from them.

COLONEL NORTH said, that in 1870 Mr. Cardwell spoke of "the importance of retaining in the Army that most valuable member, the old soldier," and that the late Duke of Wellington said the old soldier was the life and soul of the whole Army. But at present no veterans were to be found in the Army. He was ready to give every credit to the right hon. Gentleman the Secretary of State for War for his desire to promote the efficiency of the Army; but he thought the greatest mistake the right hon. Gentleman made was to interfere with the regimental system of our Army. The recent changes had given great dissatisfaction to the Service, especially the changing of the names of the regiments. There was also very great dissatisfaction at regiments losing their numbers.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

ARMY (AUXILIARY FORCES)—ANTRIM ARTILLERY MILITIA.

OBSERVATIONS.

MR. BIGGAR said, he wished to call the attention of the Secretary of State for War to the irregularities committed by some of the officers and men in the Antrim Artillery Militia. He hoped that the right hon. Gentleman would institute a searching inquiry into the charges against them; otherwise it might be necessary early next Session to move for a Select Committee to investigate them.

MR. CHILDERS said, he had no right to speak again; but by permission of the House he would do so. Perhaps the hon. Member for Cavan would allow him to ask a question. He spoke of charges. What charges were they, and who made them? The matter had not

recently been raised in a formal manner. Part of the charges to which the hon. Member referred originated in 1879, and had been disposed of in an answer given to the hon. Member on a Motion which he raised. Now, he spoke of something that occurred this year; but some conversation was going on in the House, and the hon. Member's words were difficult to follow. But if he referred to charges, he this year must ask who had made those charges, and where were they made?

MR. BIGGAR explained that the charges he referred to arose out of the 1879 business, and the general want of discipline in the regiment at the time; and, though one of the persons implicated had resigned, there were others who since had obtained promotion instead of censure.

MR. CHILDERS said, that being the case, he had to say that the matter was fully looked into; and last year the regiment was reported as in a thoroughly efficient state. He must decline to accept a proposal for any further inquiry next year when the hon. Member made his Motion, unless some new facts came to his knowledge.

MR. BIGGAR said, he did not ask the right hon. Gentleman to give a promise for an inquiry, but only that he would himself make inquiries.

PARLIAMENT — ORDER — SUSPENSION OF MR. O'KELLY.

OBSERVATIONS.

MR. PARNELL said, he rose to draw attention to a Motion which had stood on the Paper in his name for a month in regard to the suspension of his hon. Friend the junior Member for the county of Roscommon (Mr. O'Kelly). It was to the effect—

"That it is not in accordance with the orders and precedents of this House that a Member of this House should be suspended from its service for describing as lying and calumnious statements reflecting on the honour of the same Member."

It was not desirable that a Motion of that kind, which might seem to bear on the action of the highest authority in the House, and to dispute the ruling of the highest authority of the House, should remain any longer on the Paper than was absolutely necessary. Therefore, although he could not now take a

division or submit his Motion formally, he would, with the permission of the House, bring the matter forward by way of discussion, which would have the effect of finally disposing of it. The circumstances in which the suspension of his hon. Friend took place were of rather a peculiar character. On the 3rd of June last, a Question was asked by the hon. Member for the county of Leitrim (Mr. Tottenham) with reference to a false report as to firing at a Mr. Daly, near Loughrea, in the county of Galway. The hon. Member for Leitrim, as he was much in the habit of doing, accompanied that Question with reference to the truth of that report, which had turned out to be false, with an innuendo against the organization known as the Irish National Land League, of which several Members of that House were members. The hon. Member asked whether that was not the third murder or attempted murder within the last three weeks in the same locality attributable to the Land League? A point of Order was then raised by the hon. Member for the city of Galway (Mr. T. P. O'Connor)—namely, “whether a Question mendaciously attributing to the Land League the responsibility—” The hon. Member for the city of Galway was thereupon interrupted by loud cries of “Order!” and by the rising of the right hon. Baronet the Member for North Devon (Sir Stafford Northcote) to another point of Order. The right hon. Baronet asked whether the word “mendacious” could properly be applied by one Member of the House to another? And the Speaker ruled that if the hon. Member, when he used the word “mendacious,” applied it to a Member of the House, he was clearly out of Order, and called upon the hon. Member to withdraw it, and he did withdraw it and substituted the expression “inaccurately.” Then the hon. Member for the county of Roscommon (Mr. O'Kelly), after some further conversation had taken place, rose to another point of Order, and, with a considerable appearance of very natural indignation, asked the Speaker whether it was proper for an hon. Member, in putting Questions in that House, to make, in regard to Gentlemen sitting on those Benches, statements that were “lying and calumnious?” At once there broke forth loud cries of “Order!” and “Name!” The Speaker thereupon said

Mr. Parnell

that he was bound to name Mr. O'Kelly, and the Prime Minister made the Motion that Mr. O'Kelly should be suspended from the service of the House during the Sitting, which was carried by a considerable majority. He would presently show that the words used by Mr. O'Kelly had been ruled by two former Speakers—Mr. Denison and Mr. Lefevre—to be not out of Order. The Standing Order under which Mr. O'Kelly was suspended was adopted by the House in pursuance of a recommendation of the Committee on the Business of the House which sat in 1877 to consider the question of Obstruction and the best means of dealing with it. Among the witnesses examined were the then Chairman of Committees (Mr. Raikes) and the Speaker, and their evidence was directed, not to the obstruction of a particular measure by those who were interested in it, but to the question of general obstruction by repeated and long speeches, repetition of arguments, the moving of the adjournment of the House and of Progress, and by other means. It was to meet the case of general obstruction that the Rule was framed; but Mr. O'Kelly had not been guilty of particular or general obstruction of any kind. His hon. Friend was one of the most inoffensive Members of the House, and, so far from obstructing its proceedings, had only addressed the House twice that Session and once only last Session. His suspension did not take place, because he had committed the offence against which clearly the Rule in question was adopted. But even if his hon. Friend had offended against the Rule, he might at least have been warned before the penalty of suspension was inflicted upon him. That, however, was not the case, and he was suspended without having been called to Order or asked to withdraw the expressions he had used, and was so on the ground that the hon. Member for County Galway had used the word “mendacious,” and was called to Order for doing so, which fact, it was said, ought to have warned Mr. O'Kelly to be careful of the language he used. He would now come to the precedents to which he had referred. On the 27th of April, 1855, a discussion took place in reference to some charges made by a Member of the House against the Commander-in-Chief of the Army, and in the course of the discussion Colonel Knox said that there

"was not a word of truth" in the charge made by the hon. Member for Aylesbury against General Cunningham. The word used by his hon. Friend the Member for Roscommon was "lying," a rougher word, but conveying the same meaning as the words "not a word of truth." The hon. Member, however, using those words was not suspended for doing so. He was asked to withdraw them as un-Parliamentary, and he did so. In the course of the same debate Lord Palmerston said that "every Member who heard the charges made must be convinced that they were false and calumnious." The words "lying and calumnious" were used by his hon. Friend; but here were words used by Lord Palmerston which were the equivalent of those words. On that occasion Mr. Otway drew the attention of the Speaker (Mr. Lefevre) to the words "false and calumnious," and what happened? The Speaker on the occasion ruled that the words were not out of Order. But he (Mr. Parnell) had other precedents and more recent ones in the spirit of his contention. In the debate on the Resolution moved by Mr. Disraeli on the 27th July, 1864, Mr. Gathorne Hardy—now Lord Cranbrook—said an hon. Member had used language which did no credit to himself or the Government which he represented; and he pointed out that the words "false and calumnious" had been used. Mr. Denison, who was then Speaker, said there was nothing in those words calling for his interference. The Chancellor of the Exchequer—the Present Prime Minister—intervened in the debate, and although he was present when these words were uttered, said he had not heard the disorderly words, and he agreed with the Speaker that the words "false and calumnious statement" were within Parliamentary limits. Yet it was for using these words that the Prime Minister asked a few weeks since that the Member for Roscommon should be suspended. He (Mr. Parnell) had established that these words were within the right of debate; and, consequently, the motive or reason for condemning his hon. Friend because he used those words was not sufficient. His hon. Friend would have withdrawn the words if he had been asked to do so; but he got no opportunity of withdrawing them, having been immediately subjected to the

very summary and stringent ruling of the Chair. He (Mr. Parnell) wished to say that a question of this kind, brought forward without Notice, and imputing an offence of a highly criminal and scandalous character to an organization with which Members of that House were connected, was one very likely to excite angry feelings. Although he was willing to admit that the words of his hon. Friend were stronger than should be used, yet he submitted the hon. Member was entitled to be told that his words were un-Parliamentary. When such precedents had been set and deliberate rulings given them before a Member was suspended for using such words he was entitled to receive warning from the Chair. It was because the Irish Members felt the injustice of that ruling that he (Mr. Parnell) had put this Motion on the Paper, and which he was now precluded from moving; but he was satisfied he had said enough to show the injustice done to his hon. Friend by the suspension on the occasion in question.

MR. GLADSTONE: Sir, I am sorry to say that I must impugn the course of the hon. Member for the City of Cork (Mr. Parnell) in a wider sense than merely contesting his argument. I do not quite understand the liberty which he assumes to himself, for he seems on one night to appeal to the Rules of the House for protection, and on another to ruthlessly trample those very same Rules under foot. He knows very well to what I refer, because the facts are recent.

MR. PARNELL: I submit that the Prime Minister is out of Order in referring to a past matter which has been definitely decided by the House.

MR. SPEAKER: I cannot see that the remarks of the right hon. Gentleman are irrelevant.

MR. GLADSTONE: Why, during the whole of the discussion the hon. Member has himself been referring to a past matter which has been definitely decided by the House. But in applying to the Chair he was perfectly consistent, for, as I said before, he appeals to the Rules of the House one night, and on another night he not only tramples the Rules under foot, but insults the authorities. I object to the proceeding of the hon. Gentleman in this House also. I admit fully that every Member of the House is en-

titled to impugn and pronounce censure upon the conduct of the Speaker on grave and sufficient grounds; but if he does this, I contend that he is bound so to do in a manner of which the House may judge and on which it may pronounce a judgment. This the hon. Member has carefully refrained from doing, and the House can only, if it chooses, bandy words without pronouncing a judgment. I should have thought that it was an elementary principle of common sense that charges should not be lightly made against the Speaker of the House. The Chair of this House is not made to have dirt thrown upon it—it is not made to be the subject of loose and random talk such as that in which the hon. Member indulges. But whether such charges are lightly made or not, it is the prime duty of the hon. Member as a Member of this House, when he makes such charges, to make them in such a manner that the Chair can either be acquitted or condemned. The hon. Member, however, on the contrary, makes these charges against the Chair to-night at a time when he himself tells us the Chair cannot be either acquitted or condemned. The Chair can be made the subject of abuse or of vituperation; but the charges cannot either be met or substantiated. The hon. Member, in the course he has thought fit to pursue, therefore, has entirely mistaken the first elements of his duty as a Member of this House. The hon. Member, who has chosen to give to his censure the character of a lecture to the Chair, seems entirely to forget that the proceeding of the Chair was recognized and adopted by an enormous majority of this House. Why had not the hon. Gentleman the manliness to say at once that he was impugning the judgment of the House? No doubt, that judgment was founded upon the proceeding of the Chair; but that proceeding was taken up and adopted and made the basis of the judgment of the House. I should have thought it was a well-known principle of our system in this House—and I am astonished that a man with one-tenth part of the discernment of the hon. Member should not have perceived it, and had the hon. Member been guided by a right sense of his duty to the House he would have perceived it—that the judgment of the House stands between himself and the Chair, and protects the Chair from the charges that he

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has brought against it. Well, Sir, I think I have shown that the proceedings of the hon. Member recoil upon himself, and lead us to pass a sentence of condemnation upon the course he has thought fit to adopt on this occasion. I now turn to a little matter—a very little matter—the argument of the hon. Member. It may, perhaps, be said that I have dealt warmly with this matter; but I feel warmly with regard to it, and it will be a bad day for England, and a bad day for us all, when we cease to feel warmly upon such a subject, which involves the existence of the essential Rules of debate. The hon. Member has put forward two contentions—the first being that the Rule under which the Speaker acted was not intended to apply to the purpose to which you, Sir, applied it, but only to meet a case of persistent Obstruction. With all submission to the hon. Member, I am prepared to maintain that your application of that Rule was strictly justified. The Rule adopted by the House was intended, not only to meet the case of persistent Obstruction, but to insure the decency, the propriety, and the order of the proceedings of this House. The hon. Member says that you, Sir, are armed with a power of noticing, and, in certain cases, of punishing persons whom you may think require such notice or such punishment; but that you are not justified in using that power when it is merely a question of maintaining the decency and propriety of the language used. But what proof, Sir, does the hon. Member give in support of that assertion? That the power with which you are armed sprang out of a certain set of circumstances connected with a system of persistent Obstruction I fully admit—a system which came into existence contemporaneously with the entrance of the hon. Member into this House. The hon. Member quoted the evidence of yourself, Sir, and Mr. Cecil Raikes in support of his proposition. But although that might have been part of the argument used at the time, it did not limit the terms of the measure that was adopted. What are those terms? “Disregarding the authority of the Chair.” [Mr. PARNELL: Wilfully disregarding.] Although that may be so, what I contend is, that the limitation applied by the hon. Gentleman is a limitation imported by his private judgment into

the Order of the House. I took it on the credit of the hon. Gentleman; but the Standing Order has just been supplied to me by my right hon. Friend the Member for the University of Edinburgh (Mr. Lyon Playfair). It is dated the 25th February, 1880, and runs thus—

“Whenever any hon. Member shall have been named by the Speaker or by the Chairman of the Committee of the whole House as disregarding the authority of the Chair.”

Therefore, I say the hon. Gentleman should not supply interpolations of that kind without verifying his ground in the first instance. The meaning of those words is much wider than that which the hon. Member placed upon them—namely, that the Standing Order only referred to cases of persistent Obstruction. But the hon. Member comes finally to this—that the words which were used by the hon. Member for Roscommon (Mr. O'Kelly) were covered by the previous ruling of the Chair. I will consider specifically the two words “lying” and “calumnious.” I remember a portion of the circumstances cited by the hon. Member—indeed, I took the opportunity of referring to them on a former occasion, and they are now fresh in my mind. I feel, Sir, a debt of gratitude to Mr. Speaker Denison as a very able and excellent Speaker of this House, and who possessed an acuteness of mind and a capacity to deal with difficult questions which I think was not exceeded by any of his Predecessors. On the occasion referred to, Mr. Speaker Denison, on the appeal first of Lord Palmerston and then of myself, declined to exclude the word “calumnious” as un-Parliamentary. But, looking at the matter historically, I am not bound to assume that Mr. Speaker Denison was infallible in the matter.

Mr. HEALY: The Irish Members are compelled to recognize the Speaker as infallible.

Mr. GLADSTONE: Sir, the hon. Member is so carried away by his own feelings in this matter that he is totally unable to comprehend my meaning. I am dealing with an historical review. It is one thing to be compelled to submit to the authority of the Speaker at the moment, and it is another to look back to the annals of history. Though you may be bound to accept the ruling at the moment, there is nothing to prevent you impeaching that ruling at a future time. If I am cast by what I

deem to be an unjust verdict, I must submit to it for the time, though afterwards I may condemn it. I do not hesitate, therefore, to say that with regard to the use of the word “calumnious” I should have felt under a great obligation to you, Sir, if you had reversed the decision of Mr. Speaker Denison, because it appears to me that the word “calumnious” inevitably and essentially involves the imputation of motive. I hope the one result of the present discussion will be to enable us to put an end to the Parliamentary use of that word. I come now to the most vital part of the argument of the hon. Member, in which it appears to me that his reasoning entirely breaks down. The hon. Member argues that the word “lying” is also covered by the previous ruling of the Chair. The speech, however, to which the hon. Member refers in support of his contention does not contain the word “lying,” but merely asserts that the statement in question had not a word of truth in it. Such an expression as the latter may be discourteous; but it does not necessarily imply that the Member who makes it is uttering an untruth to his knowledge; but the use of the word “lying” imputes that the Member knows that he is telling and intends to tell a lie. One word upon the case itself. The word “mendacious” had been used by another Member, and there had been an appeal to the Chair, and immediately after the word “mendacious” had been used, censured, and withdrawn, another Member described the statement to which the word “mendacious” had been applied as “lying and calumnious.” I say, in the first place, that the expression “lying and calumnious” was not merely a repetition, but it was a heavy aggravation of that which had been just before declared to be offensive, and acknowledged as offensive and withdrawn. And this is what the hon. Member for the City of Cork rises to cover and defend to the extent of saying that it ought to have been treated tenderly. He has instructed us as to what the Speaker ought to do, and says hon. Members should be guided by him in the course which they should adopt. You, Sir, have very frequently given warnings to Members as to the evil way in which they were walking before resorting to an exercise of your authority. You have done this

with a patience that is astonishing—with a patience, let me tell you, that sometimes make Members impatient—and then I am to be told that because of this patience, by which you are even spoiling Members of this House—if I may make such a charge—when a great outrage is committed, when most violent language is used, and used by a person who must have known it was a very great aggravation, the matter should be taken up by an hon. Gentleman who occupied about an hour of the time of this House in contending that you came down too rapidly upon an innocent and valuable Member. ["Oh!"] I beg the pardon of the hon. Member. Let him listen to his own Leader. The hon. Member for the City of Cork urged the special claims of the hon. Member for Roscommon because he was innocent and valuable. I deny that because he is innocent and valuable he is to be allowed to violate the Rules of this House, the rules of common courtesy, and the rules which I do not hesitate to say ought to influence gentlemen in private life. I hold that the arguments of the hon. Member have not been maintained, that the discussion is ill-timed and ill-chosen, and that by this manner of impugning the Chair by a censure directed against a tribunal of the highest authority, a tribunal untainted with the least suspicion of partiality, when he knows that no issue can be taken, and no verdict of conviction or acquittal pronounced, the hon. Member does no credit to himself or to those with whom he acts.

MR. T. P. O'CONNOR said, the charge against members of the Land League on the occasion in question was that they were *participes crimines* in a murder committed in a particular district. Members of the Land League had a right to repel that charge with indignation. The Prime Minister, with an animation of manner which he had so much at his command when Party purposes demanded his warmth, had justified the conduct of the Speaker; but that was not the course he took yesterday when the Chancellor of the Duchy of Lancaster supported a Resolution which virtually condemned the conduct of the Speaker. On the contrary, the Prime Minister sat in complacent silence. The style of reply which had now become stereotyped in the case of Questions put by Irish Members to Members of the Government

ought to be given up. There were precedents for the use of the word "mendacious" in that House. One of the Predecessors of the Speaker had decided that it was not un-Parliamentary for one Member to say of another Member that he had made a mendacious statement. The word "calumnious" was an epithet, as the Prime Minister justly observed, which imputed motives; yet that epithet was actually allowed to pass by two Predecessors of the present Speaker, and its use was not discouraged on a former occasion by the right hon. Gentleman opposite. Nothing could be more dangerous than that the Irish Members should have any just reason to suspect that they were treated with a severity which was not extended to other Members of the House. ["Oh!"] He was not asserting that that was now the case. The rights of majorities were always safe; and he thought it was the duty of the Chair to be the guardian and protector of any Party in the House, however small it might be numerically, which was likely to be unfairly dealt with in the chances and struggles of political warfare.

MR. JUSTIN M'CARTHY admitted that the words "calumnious and lying" were somewhat too strong for fair Parliamentary discussion; and he confessed that he did not particularly admire even that sort of invective which an eminent authority had pronounced to be "an ornament of debate." He thought that on the 3rd of June both the hon. Member for Leitrim (Mr. Tottenham) and the hon. Member for Roscommon (Mr. O'Kelly) had offended against the unwritten law of Parliament. But the latter Gentleman, it should be remembered, was a prominent member of the Executive of the Land League, a body which the hon. Member for Leitrim had charged with inciting to murder. In the heat, naturally excited by disgust at so odious and calumnious a charge, it was not surprising that any hon. Member should have lost his temper, although it was also perfectly fair that the Chair should have interfered to prevent the use of such strong epithets as "lying and calumnious." With every respect, however, for the Speaker, he thought the Chair might well have interposed to prevent the application of such an abominable charge as that brought by the hon. Member for Leitrim against the

Executive of the Land League. He could not refrain from protesting against the theory, which had lately been encouraged by Her Majesty's Ministers, that the Members of the House were the bondsmen of the Chair—that the Speaker was the master, the dictator, and the law-giver of the House, and that in questioning anything which he said or did they were offending against the law and order of Parliament. Such a notion was, to quote the language of the Prime Minister, a gigantic innovation in the history of this country.

MR. JOHN BRIGHT said, reference had been made to something which took place in the House yesterday; and it had been sought to make it appear that he especially, and some others, had called in question the action of the Speaker yesterday, and had, in fact, given some support to a Motion which was intended to censure the Speaker. Both of those things were entirely inaccurate. In the observations which he made yesterday he said distinctly that the Speaker had no option; that he was only carrying out the instruction of the House, given in a certain Resolution passed some months ago. It was a Resolution which he had voted against, and which he was going to say was one of the most foolish Resolutions, but that that term would not be respectful to the House. It was, however, he thought, one of the most unhappy Resolutions which had been come to in his time. The Motion of the hon. Member for Northampton yesterday had not the intention of censuring the Speaker. That hon. Member, and the seven or eight other Gentlemen who had voted with him, voted in condemnation of the general proceedings of the House on the question in regard to Mr. Bradlaugh. No Member of the House had the slightest intention of censuring the Speaker. What had been done was most unhappy; but it was not to be attributed to the Chair, but to the course which the House itself had taken, and many of the Irish Members sitting opposite had supported the policy which had led to the unfortunate transaction of yesterday. It seemed to him that the whole discussion was beside the question, because it was not a question of precedent at all. What had happened was this. The hon. Member for Leitrim (Mr. Tottenham) put a Question which was not a very friendly one to the Irish

Members who sat opposite. The Speaker himself said that had he previously seen the words of the Question he should have objected to them. However, the Question was put, and the hon. Member for Galway (Mr. T. P. O'Connor) characterized it as "mendacious." The Speaker called the hon. Member to Order, and the word was withdrawn. Almost immediately afterwards the hon. Member for Roscommon rose in his place, and there was this excuse for him, that he seemed to labour under the influence of passion that was not simulated. ["Hear, hear!"] Well, he had seen a great deal of passion lately which was simulated. The hon. Member, with feeling which was not simulated, said that a certain statement was calumnious and lying. The Speaker thereupon called him to Order. [MR. HEALY: No, no!] What, then, was the state of the case? The hon. Member for Galway had withdrawn words he had used as un-Parliamentary, and almost immediately afterwards another Member, sitting behind him, got up and uttered words in a fierce manner, even far more un-Parliamentary than the words which had been withdrawn. The Speaker immediately rose, and, in accordance with the Standing Order, declared that the hon. Member for Roscommon was disregarding the authority of the Chair, because he had risen and spoken words far more blameable than those the Speaker had just been condemning. It was not, then, a case of precedent. It was a case of violent disregard of the authority of the Chair; and, therefore, the Speaker was not only within his right, but within his duty—he was sorry to say—when he found it necessary to take the step he did. He must say that he thought at the time the language of the hon. Member for Roscommon was a passionate expression, which possibly, in a quieter mood, he would not have made, and he was sorry the hon. Member did not rise immediately and withdraw it. [MR. HEALY: He had no opportunity.] It was clear that the authority of the Chair had been disregarded; and the Speaker was not only within his right, but within his duty, in taking the steps he had adopted. If the hon. Member had withdrawn the words, the necessity for the Speaker taking those steps might have been avoided; but as to the propriety, legality,

and consistency of those steps, he thought there could be no doubt whatever. He thought that the hon. Member for the City of Cork, notwithstanding some rough experience which he had had in that House, would admit to his own conscience that the Speaker had been entirely free from blame, and that he could not hope for either that Assembly, or the visionary Assembly to which he was looking forward, to be presided over by a Speaker that was more distinguished for impartiality and a wish to do justice to every side than was the right hon. Gentleman who now occupied the Chair.

MR. TOTTENHAM said, he desired to state the reason which had actuated him in putting the Question, to which reference had been made, upon the Paper. There had been three or four murders committed within a very few weeks in districts governed by the Land League, and the perpetration of one of those murders was known at the time it took place, or within an hour afterwards, at a village five miles from the place where it occurred. The prisoners who were arrested on a charge of having committed some of those murders were furnished with counsel and food by the Council of the Land League. It was, therefore, a justifiable conclusion to arrive at that the Land League were at the bottom of those occurrences. His conviction was as strong now as it was then that the Land League were directly responsible for those murders, and for the outrages which had disgraced Ireland for the last 12 months.

MR. HEALY said, that the hon. Member for Leitrim might as well say that the Government of Ireland were responsible for those murders, as to say that the Land League were responsible for them. With respect to the question under discussion, the right hon. Gentleman who had just spoken admitted the whole case when he said that his hon. Friend the Member for Roscommon had not had an opportunity of withdrawing the words he had used. [MR. JOHN BRIGHT: What I said was that I regretted he had not withdrawn them.] His hon. Friend the Member for Roscommon (Mr. O'Kelly) had not an opportunity of doing so; and he was not, in fact, asked to withdraw them. In his (Mr. Healy's) opinion, the remark of the right hon. Gentleman strengthened the

position of the Irish Members; for it appeared to him to be an admission that the hon. Member had been suspended without being afforded an opportunity of withdrawing his statement. Having referred to former debates, it appeared that because one hon. Member used an expression not so strong as others that had already been allowed, therefore he was to be suspended. This was on the principle that, because Solomon was a wise man, because someone else was a strong man, therefore someone else played the harp. It was astonishing to him to notice the way in which Irish affairs were treated by the occupants of the Treasury Bench. A charge of murder being made against Members sitting near him was described by the right hon. Gentleman the Chancellor of the Duchy of Lancaster as being not particularly friendly; but the same right hon. Gentleman used the most delicate and silken words when referring to anything that might be alleged against Members sitting on his own side of the House. As far as he and those who sat near him were personally concerned, they had become so inured to this sort of thing that they took no notice of anything that proceeded from the Treasury Bench, and were simply amused at the means by which they were tried to be enmeshed. When the Prime Minister got up that evening, there were few Members in the House; but the Liberal Whip soon procured an audience to witness the mechanical passion of the right hon. Gentleman, and to hear him work himself up to that pitch of wrath with which the House was so familiar. It would have been more in consonance with the view of the Irish Members if they could have taken a vote of the House upon this matter; but, that being impossible, they had been compelled to content themselves with calling attention to the matter.

MR. O'DONNELL said, that the hon. Member for Leitrim had declared that the Land League was a "murderous organization," which the hon. Member for Galway had declared to be a "mendacious" statement. The Speaker having ruled that "mendacious" was an un-Parliamentary expression, the hon. Member for Galway withdrew it, whereupon the hon. Member for Roscommon asked whether there was to be no protection against "lying and calumnious" state-

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ments. The use of those words by no means imputed to the hon. Member for Leitrim that he was knowingly stating that which was false. Speaking as a journalist, and as one accustomed to write the English language, he maintained that there was no journalist who did not know the vast difference between saying that a statement was a lying and calumnious statement, and saying that a statement had been made mendaciously by any man. In the one case you said a man was a liar, in the other that he had made a lying statement, and you threw on him the onus of showing how that statement got into his paper.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—ARMY ESTIMATES.

SUPPLY—*considered in Committee.*

(In the Committee.)

(1.) £52,400, Divine Service.

COLONEL ALEXANDER said, he was not going to raise any objection to this Vote, but merely desired to make a suggestion to the right hon. Gentleman the Secretary of State for War. There was a certain number of military chaplaincies provided for in this Vote which were in the gift of official personages, amongst these were the chaplaincy of the Tower and the chaplaincy of the Royal Hospital, Chelsea. With regard to these, it seemed to him that it was rather an anomaly that they should not be in the gift of the Secretary of State for War. He had nothing whatever to say against the manner in which these offices had been filled up. The present chaplains were both known to him; they were Army chaplains, although by no means senior chaplains of the Army, and it therefore seemed to him that it would be advantageous if the Secretary of State for War would take these appointments into his own special patronage, and reserve them in future for men who had for many years served their country at home and abroad. He reminded the right hon. Gentleman that there were very few prizes for Army chaplains who had to retire from the Service in the full vigour of their age.

MR. CHILDERS said, the question raised by the hon. and gallant Gentleman opposite should be looked into.

Vote agreed to.

(2.) £39,800, Administration of Military Law.

SIR WALTER B. BARTTELOT asked the attention of the right hon. Gentleman to the fact that the charges for a number of officials under this Vote were given in a lump sum, instead of in detail. For instance, there was one item of £9,229, which represented the pay of the Governors, chief warders, warders, assistant warders, messengers, and others, at the military prisons. The same observations applied to the charge for the pay of the provost staff and military police, £7,000; and likewise to the item of £5,000 for the pay and extra duty pay of provost marshals and military police in garrisons and camps. He failed to see any reason why these items should not be given separately in detail, and trusted that in future the Estimate would be framed on that principle.

MR. CHILDERS said, he would look into the subject to which his attention had been drawn by the hon. and gallant Baronet opposite, with the view, if possible, of giving the desired information.

COLONEL ALEXANDER asked whether the right hon. Gentleman could do anything to improve the cumbrous and clumsy procedure now adopted in general courts martial. The Committee might possibly not be aware of the dilatory way in which the proceedings in these cases were conducted. Every question originated, either by the prosecution, by the prisoner, or by any member of the court, must, in the first instance, be reduced to writing; it had then to be passed to the Judge Advocate and the President, and, if approved by them, it was then read aloud; but, if it was not approved, it was returned to the person who propounded it. In the case of Colonel Crawley the delay was so intolerable that the two sides came to an arrangement with regard to the questions; and, as stated in *The Times*, after a few days, the plan was adopted of allowing each party to read its own questions. He remembered that the right hon. and learned Gentleman the present Home Secretary, who appeared for the defence, was, according to the present practice, which permitted a lawyer to advise the prisoner but not himself to address the court, not allowed to read the speech which he had prepared on the occasion, and which, being read by another, suf-

ferred very much in consequence. He was aware that these things did not occur very often; but still they were not so infrequent as not to deserve attention. The Committee would remember that last year a sergeant was tried for fraud, in connection with the marking at Wimbledon; and he ventured to say that the questions which had occupied the court martial for so many days in that case would have been settled in one by a civil court. He should be glad if the right hon. Gentleman could see his way to remedy this form of procedure.

MR. CHILDERS said, he was much obliged to the hon. and gallant Gentleman for calling attention to the subject. Under the Army Discipline and Regulation Act of 1870 it became necessary to draw up a totally new set of rules, which would very much simplify the procedure of courts martial; and the Government had had to consider whether these rules should be included in the Bill introduced a few nights since—the Regulation of Forces Bill—or whether they should wait until the Bill was passed, and then establish one simple and entire Code. The rules were finished, and would be issued before the end of the year. With regard to the point raised by the hon. and gallant Gentleman, he should mention that he was himself rather in advance of the opinions of some hon. Members.

SIR PATRICK O'BRIEN said, he had given Notice some time ago of a Motion for a Return of courts martial; but the Secretary of State for War had not seen his way to grant it. He thought the present was not an unfitting occasion on which again to call attention to the subject, and to ask what objection there was to a Return of the punishments awarded by courts martial being furnished. It might be urged that this Return would draw invidious distinctions between some regiments; but, for his own part, he could see no reason why contrasts should not be made between one regiment and another in respect of the punishments awarded by courts martial. On the contrary, he thought the Return would be of great use in drawing the attention of commanding officers to the position of the various regiments. There might, of course, be reasons why the authorities should refuse the Return he asked for; but the question, at any rate, was one

upon which information should be afforded.

MR. CHILDERS said, he would rather see the Return asked for by his hon. Friend included in the General Annual Return of the British Army than given separately. The Return would be very voluminous; but his hon. Friend might rely that the subject should receive his attention.

SIR ALEXANDER GORDON pointed out that the present system of procedure in courts martial was very much in favour of the prisoner. He hoped the right hon. Gentleman would be content with the changes he had already made this year in Army affairs.

Vote agreed to.

(3.) £300,500, Medical Establishments and Services.

SIR WALTER B. BARTELOT said, here, again, the whole charge for the pay of the officers in this Department were lumped together in one sum of £227,723. As he had said before, there was no reason whatever why the Committee should not know what these officers received. Further details were also desirable in the case of Netley Hospital on page 30.

MR. CHILDERS said, he believed that if the hon. and gallant Baronet would refer to the Appendix he would find there much of the detail that he desired. At the same time, he would look further into the matter.

SIR HARRY VERNEY hoped the right hon. Gentleman would see that the class of men best qualified for the duty were placed in the position of hospital attendants. Short service men were, in his opinion, not the best for the purpose of nursing soldiers; and he thought that when men were found to be good orderlies they ought to be retained in that position.

MR. FINDLATER wished to urge upon the Secretary of State for War the claims of the Army medical officers. Many of these gentlemen, in addition to risking their lives in the field, incurred serious illnesses in the discharge of their duties; and he contended that they should be placed in the same category as combatant officers of the Army. It must be clear to hon. Members that the medical officer who, without the excitement to support him which was felt by the combatant officer, really displayed

the highest degree of true courage in attending to the wounded. The records of our recent wars furnished many instances of the bravery displayed by medical officers, the terrible risks they ran, and the sacrifice of life in action which their duties entailed upon them. But these officers, although running the same risks as their combatant brethren, for the simple reason that they were non-combatant, were deprived of the privilege conferred upon other officers of the Army by the Army Circular of March, 1880, in respect of counting time not exceeding one year on half-pay towards voluntary retirement. The right hon. Gentleman had, on a former occasion, promised to look into this matter; and he could assure him that it was very desirable that some steps should be taken, because, undoubtedly, great discontent existed amongst the medical officers of the Army, who felt strongly the invidious distinction that was drawn between them and the combatant officers in the Service. He trusted the right hon. Gentleman would hold out some hope to these very deserving gentlemen that, at an early day, he would be able to do something for them.

MR. CHILDERS said, he considered that the proposal of the hon. Member, that medical officers should be placed on the same footing as combatant officers, would involve a great disadvantage to them, inasmuch as they were, in some respects, as compared with combatant officers, much better treated. The Regulations with regard to medical officers had been settled by his Predecessor with extreme care and after long consideration; and, on the whole, he believed that the alteration proposed by the hon. Member would place them in a worse position than they now occupied.

Vote agreed to.

(4.) £476,900, Militia and Militia Reserve.

EARL PERCY said, he rose to call attention to a subject upon which he had before asked a question of the right hon. Gentleman, and which had excited considerable interest amongst the officers of Militia regiments. It had been for a long time past the custom of the Government of the day to make constant changes in the uniforms of the Army and Militia; and during the years he had served in the latter branch he had,

in consequence of these Regulations, changed the character of almost every garment once or twice. Now, these repeated alterations were not only vexatious in themselves, but they were the source of very serious expense to officers whose means were rather limited. In the present instance, it was proposed to change the whole of the uniforms of the Militia, and to assimilate them to the uniforms of the linked battalions of the Regular Forces of the district. He had, through the hon. Member for the Tower Hamlets, addressed a question to the right hon. Gentleman the Secretary of State for War, as to whether the proposed change would not entail upon the officers of the Militia the very serious cost of £80,000; and the answer received from him was to the effect that he had, to a great extent, exaggerated the expense which it would entail—that he had no reason to believe that the expense would approach the sum named, and that in many cases but a small outlay would be necessary. He would not enter upon a lengthy discussion on the expediency of the proposed change; but, for his own part, he was quite unable to see the advantage of dressing the Militia officer in borrowed plumage. Although he was aware that his opinions upon this subject were not shared by all the officers of the Militia, yet it was hardly correct of the right hon. Gentleman to say that the proposed alterations had been received with general approval, because he had received many representations from Militia officers that they extremely disliked them. Nor was it a correct statement to say that the substitution of gold for silver lace had been recommended by the Committee, because their Report did not contain one word about any change in this respect. They pointed out that, in their opinion, a strong ground existed for establishing similarity of colour, and that it seemed a question whether the Militia should not be clothed in the undress of the Regular regiments. But that was quite a different thing. His estimate of £80,000 as the cost to the officers of the Militia of making the alterations contemplated by the authorities was arrived at by taking £20 as the cost to each officer, and multiplying that figure by 4,000—the number of officers in the Militia. He had, in consequence of the statement of the right hon. Gentleman

that his estimate was incorrect, taken the trouble, by actual experiment, to ascertain the accuracy of the figure of £20, which he had adopted as the basis of this calculation; and he was entitled to say that his estimate was fully borne out by the fact that the amounts quoted by the Army tailors, to whom his inquiries had been addressed, all ranged between £34 8s. 6d. and £30 13s. 9d. for field officers, and £20 0s. 6d. and £18 1s. 6d. for subalterns. Moreover, in addition to his estimate of £20 for each officer, there would be special extra expenses in assimilating the Militia uniform to that of particular regiments of the Regular Forces. As an instance of which he would mention the cost of £5 5s. for a new bearskin in the case of Light Infantry battalions assimilated to Fusilier regiments. Now, considering that the Militia were only in training for a month during the year, the change must necessarily be a very gradual one, and, besides the hardship of compelling them to incur this great expense, there would be the disadvantage that it would take many years before the officers of the Militia were all dressed alike. The variety of costume which would result from this would be intolerable; and if the change must really be carried out, he would put it to the right hon. Gentleman whether it should not be effected more rapidly than was proposed. It was most desirable that no slur should be cast upon the officers of the Militia; and, therefore, he entreated that the points to which he had invited the attention of the Secretary of State for War should receive his serious consideration. The proposed changes would undoubtedly throw a great strain upon the Militia, and any help which the right hon. Gentleman could give would be thankfully accepted, and would, at the same time, tend to efficiency and to the preservation of good feeling and *esprit de corps*.

COLONEL KINGSCOTE said, he thought the noble Lord the Member for North Northumberland (Earl Percy) had done much good in bringing forward this matter. For his own part, he was at a loss to see the object of the authorities in making this change, one result of which would undoubtedly be that for years Militia officers would be dressed some in one uniform and some in another. If he could be made to under-

stand the reason for the proposed alteration, it might possibly meet with his approval. The change would throw a considerable expense on the Militia officers, and particularly on the mounted officers, for which he thought they should certainly receive some compensation. He was himself an honorary colonel of the Militia; and, as an old soldier, he regarded that branch of the Service as most valuable. It had been called upon by the country more than once, and it had never been found wanting. It supplied the Army with recruits; and he rejoiced that endeavours were being made to amalgamate it more closely with the Regular Forces. But why, he asked, was this burden of expense to be cast upon the officers of Militia without compensation? He trusted that the right hon. Gentleman would reconsider this matter, and that the few remarks he had felt it his duty to make would have the good effect of obtaining compensation for the officers in question, if the change proposed must indeed be carried out.

MAJOR CHESTER-MASTER said, he entirely agreed with the hon. and gallant Gentleman who had just spoken (Colonel Kingscote). He had been for 21 years in the Militia, and he could assure the right hon. Gentleman that there were reasons, beyond those which had been advanced, which tended to show that by the contemplated changes the Militia would be placed in an unfair position. It appeared that the lace and facings of the uniforms were to be changed; and he would point out, as the result of the inquiries he had made, that the cost of this alone would amount to £30 in the case of colonels, and £15 for second lieutenants, the other ranks being in proportion. He also pointed out that a new uniform was incumbent on an officer of the Line when he retired from his regiment and joined the Militia, but that it was not so in the case of the Yeomanry and Volunteers. He could not see the reason for this inequality. It appeared to him only fair, as the Militia were made one with the Line, that the same benefits should be enjoyed by both with regard to promotion.

SIR HARRY VERNEY said, he could see no reason whatever for making the proposed changes of uniform in respect of the Militia. What possible advantage could there be in putting the crown on

the shoulder-strap instead of on the collar? The crown and other marks of rank were more visible on the collar than on the shoulder-strap, and less likely to be rubbed by the cloak. These alterations had imposed a tax never less than £5, and up to £30, on every officer. He could only suppose that they were proposed at the instance of the Army tailors. For his own part, he was in favour of a very simple and inexpensive uniform; and he pointed out that the efficiency of some foreign armies was in no way secured by the quantity of lace displayed.

SIR WALTER B. BARTELOT said, that ever since he commenced soldiering there had been one constant complaint that perpetual changes were being made for no purpose whatever. He could not but think that the right hon. Gentleman would do well to leave these matters in relation to the Army and Militia as they existed at present. But he rose principally to ask the right hon. Gentleman to state his views with regard to the advantage to be derived by the country from the formation of territorial regiments composed of two battalions of the Regular Army and two battalions of the Militia. He would be glad to know in what way the War Office were going to make use of the two Militia battalions, and how they were going to draw more closely the connection between the Militia and the Army. Certainly, he did not think that this close intimacy would be promoted by merely placing gold lace upon the uniforms of the Militia officers. Again, what was to be done with the two Militia battalions in case of imminent danger to the country? Did the right hon. Gentleman intend to make it compulsory that the men should go into the Army, or did he expect to get more volunteers for the Army than he had before? There was an opinion abroad to which he would refer on the present occasion, because it was one which ought either to be contradicted or affirmed, that it was the deliberate intention of the War Office to do away with the officers of the Militia as they now existed, and to place in the Militia officers who had retired from the Army on half-pay. That was a question as to which he should very much like to receive an answer from the right hon. Gentleman. The proceeding might be wise, or it might be one of

those things which were inevitable; but, whatever might be the truth with regard to it, he thought it should be at once clearly stated in what way the Militia was to be dealt with. He believed that a far larger Army Reserve could be got out of the Militia Reserve than out of the Reserves that it was now attempted to create. He believed the Army and Militia Reserves might be amalgamated with advantage, and that they ought to be annually drilled with those regiments with which they would have to serve in case of emergency. He hoped the right hon. Gentleman would state his views upon that question. There was another point to which he would refer. In places where there were not two regiments of Militia, was it the intention that a second regiment should be formed? Because there were many places where there was only one weak regiment, and yet it was said to consist of two battalions. He wished again to suggest that the Militia Reserve and the Line Reserve might be called out and drilled together, so that when they joined their regiments they would know each other and also their officers. It was a great object, when men were sent on foreign service, that they should know their officers; but, as the Reserves were formed, he would undertake to say they would not know their officers, and recent occurrences showed what disastrous consequences would occur. Another matter was this. He was informed that when the 3rd and 4th Battalions of the Royal Lancashire Militia were out they had no waterproof sheets provided for them, and everything they had was saturated with rain. Such a thing ought never to occur in this country; and he hoped the right hon. Gentleman would inform the Committee how such an occurrence could have taken place.

MR. CHILDERS said, with regard to the amalgamation of the two Militia battalions with the two Line battalions, he would refer the hon. and gallant Member to the Report of the Committee in 1876, presided over by his right hon. and gallant Predecessor (Colonel Stanley), which strongly recommended the combination, by which they hoped to effect a better system of recruiting, both from the Militia to the Line and to the Line direct. Those arrangements would strengthen both the

Militia and the Line; and he hoped the time was not far distant when it would be more practicable to attach the Reserve men residing in the regimental district to the regiment in their district, instead of the men having to belong to regiments scattered all over the country, and not knowing where to go when called out. It was one of the objects of the combination that the men should have no doubt upon that point when called out either in an emergency or for training. He believed a great advantage would be gained by amalgamating the two battalions of the Line. With regard to the question of uniform, although that was of less importance than some other considerations, he believed that if the uniform was practically the same that would tend to attach the men of the Militia battalion to the Line battalion, for they would feel that they belonged to the four battalions, with headquarters at the place from which the regiment drew its men. As to the number of field officers in the Militia, the whole system of promotion and retirement in the Militia was distinctly different from that in the Line. In the Line the age of retirement was much earlier than in the Militia. With respect to the question raised by the noble Lord (Earl Percy), the experience of the War Office was that there was a great desire on the part of the officers in the Militia to have the same uniform as the Line. There was no intention to change the dress of the Yeomanry this year; and, with regard to the question of the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon) respecting the change made some months back in the uniform of officers, that was a matter with which the Secretary of State had nothing to do; and he could, therefore, give the House no practical information upon it. But, in consequence of representations made to him, he had given an order that no further alteration of the kind should be made without the sanction of the Secretary of State for War.

SIR HERBERT MAXWELL wished to draw attention to a matter of more importance than the difference between gold and silver lace. As at present carried on, the musketry instruction in the Militia was nothing but a farce. The time of training was necessarily very short, and might very fairly be occupied

by ordinary drill, without any laborious and delicate work such as musketry instruction. Of the 27 days allowed for training, three must be set aside as Sundays, one or two days were absorbed in settling into camp, or barracks, or billets, four days must be allowed at the end of the period for inspection and leaving quarters. There was thus very little time for drill and musketry instruction. A few years ago an officer in command of a company out for training was ordered, on a certain evening, to take his company to a range five miles distant on the following morning and fire 20 rounds. The company consisted of 113 men, and for that number to fire 20 rounds each in a single day was a farce if it was supposed to be done at all properly. No means of transport were provided, and the officer had to transport the men at his own expense, and to provide rations of bread and cheese at the range. He made no complaint of the expense; but he felt it humiliating to have to hurry the men through the instruction in that way. That was only a sample of what took place in every battalion of the Service; and the only way out of that system was either to give up musketry instruction entirely, or to call out each company during the non-training period for leisurely instruction in musketry, with every necessary facility, or, again, to have alternate annual trainings for field exercise and musketry.

SIR ALEXANDER GORDON said, he wished to draw attention to the question of assimilating the two corps in the field when in action. Five mounted officers had lately been added to every Infantry battalion; but it now appeared that that increase was not for the performance of duties in the field, but merely for the sake of promotion. If that was the case, he believed the time would come when the House of Commons would not allow the addition of mounted officers not for the performance of duties, but for the sake merely of promotion. The system of drill for the Infantry must now be changed to suit the increased mounted officers. The same drill ought, therefore, to be applied to the Militia; otherwise, the Militia and the Line would not be able to act together in the field at the critical time. It would be too late, when the Militia were called out to defend the country,

to assimilate them by adding the same number of mounted officers and the same system of drill. The two corps could not act together as one brigade unless their drill was identical; and he hoped the right hon. Gentleman would consider the point.

LORD EUSTACE CECIL said, he had little sympathy with the noble Earl (Earl Percy) as to the question of clothing, for everyone in the Army knew that changes of dress were more for the benefit of the tailors than anyone else. He thought there might be a service dress as well as a dress for the ball-room; and he wished to suggest that the kersey dress used by officers might be used for drill. Officers who wanted a smart dress could have it at their own expense. Then, with regard to the number of the Militia, the total at the training in 1880 was 115,307; but the maximum voted by Parliament was 139,000. That showed a deficiency of over 23,000 men, and he wished to urge the right hon. Gentleman to adopt some way of bringing up the attendance of the Militia to the maximum voted by Parliament. There had been an improvement in the number of Militia officers who had obtained certificates; but he wished to know the proportion of field officers who had passed in the same way; for now that the Militia was to be amalgamated more or less with the Line, it was essential that the field officers and captains should be equal in every respect to the same officers in the Line.

SIR HENRY FLETCHER wished to know what arrangements had been made for giving proper quarters to Militia adjutants? They were appointed from the brigade depôts; but when they joined the Militia they had to give up their quarters, and put up with one room. That ought to be inquired into; and he also wished to know whether any further remuneration would be given to them, as to the depôt brigade adjutants.

MR. RITCHIE said, he wished to draw attention to the question of second battalions of Militia. In his regiment there was some difficulty in raising a sufficient number of men for the single battalion the regiment had, and he did not see how these second battalions were to be raised, unless some steps were taken in that direction. He hoped, further, that the right

hon. Gentleman would not adopt the suggestion of the noble Lord for a cheaper dress. There ought to be a uniform laid down for officers of Militia, and it ought to be a *sine quid non* that all such officers should obtain the full uniform. He agreed that the proposed change in the uniform was one that was desired by Militia officers generally, for they were extremely anxious to be identified as much as possible with their brethren of the Line. The question of uniform might be considered a sentimental one; but to his mind it would be a good thing to increase the sympathy between the Militia and the Line by rendering the uniforms identical. The hon. Member who had brought the matter forward had reason, he thought, to be satisfied with the assurance the right hon. Gentleman (Mr. Childers) had given him, and his noble Friend might reasonably conclude that all he desired would be carried out. No doubt it was the desire of the Militia officers that their uniforms should be the same as those of the Line; but, he presumed, it was not merely because of the desire of those officers that the change would be made. It would be made in the interest of the Service; therefore, he did not think the Militia officers should be called on to bear the whole of the expense.

COLONEL ALEXANDER said, he would not take up the time of the Committee for more than two minutes; but he wished to say that the Report of the Inspectors of Musketry recently issued as to the Militia fully bore out all that had been said by the hon. Member for Wigtownshire (Sir Herbert Maxwell). The Report said that though one or two regiments were good in rifle practice, notably the South Wales Borderers and the Wiltshire Regiment, the firing, altogether, was not satisfactory. The Report referred to the insufficiency of the musketry drills; and hon. Members had only to look at the Army Returns published this year to convince themselves of the fact that there was not enough spent on musketry practice. The Inspector General of Musketry said that in some individual cases the firing was good; but the volley firing was very unsatisfactory. Why was the individual firing satisfactory? It was because individuals who were good shots were nursed and coddled beyond all concep-

tion. The musketry instructors thought only of their averages. Their whole ideas were concentrated upon averages, just as some hon. Members looked to their averages in divisions. At Aldershot, there was a flag put up to say when regiments should fire and when they should not. Sometimes the firing was discontinued for days and days together, the weather seeming beautiful. They might be at a loss to account for it, and might ask a question about it, when the answer they would receive would be something like this—"There is a strong wind blowing from the left rear." But that strong wind might be blowing from the left rear for months and months. No doubt, there was a strong wind blowing from the left rear during the battle of Majuba Hill; and the Boers, unfortunately, would not wait until that wind changed. The system pursued was thoroughly antiquated, only 90 rounds a-year being allowed, and that was clearly not enough. The Volunteers fired 2,000 rounds, and that was not too much. There had been some alteration made in the Regulations, he believed; 10 rounds less in volley firing, and 10 more in skirmishing being allowed; but the fact remained the same, that 90 rounds were insufficient. Our Army was one of the most expensive in the world, and that being so, no pains should be spared to render it efficient. However unpleasant the fact was, they must face it, and it was this—that our soldiers were the very worst shots of any army in the world. There was one other point on which he wished to say a word—one which had been referred to by the right hon. Gentleman the Secretary of State for War—namely, the new rules as to retirement in the Militia. It appeared that the right hon. Gentleman had been dealing rather tenderly with commanding officers in the Militia, in allowing them to serve on to the age of 67 in command of regiments, when they knew that field officers of the Line retired at the age of 55. Eventually, he knew, that would not be the case; but he was talking now of present commanding officers, who were to retire absolutely at 67. He found fault with the provision in the Regulations which followed that fixing the age, and which dealt with special cases. He was afraid this provision would open the door to a great deal of jobbery. What were

special cases? Were men to be retained because they were thoroughly good officers, or because they were county men? How was the general officer commanding a district to decide upon the special cases? They were throwing a very unpleasant duty on the general officer, and he was sure that would not work. The Department should make a rule and abide by it; but there had hitherto been a rule that officers should retire at the age of 60, and that rule, as he had been told the other day, had not been carried out. He was afraid that, in a similar way, they would find out that this new Regulation would not be carried out. He wished, further, to ask the right hon. Gentleman whether it was true, as reported, that the recruiting for the Militia had fallen off lately, in consequence of the men being called up for training immediately on enlistment? The Militia Committee had expressed an opinion on this matter, and he wished to know if the Report in question was correct?

MR. CHILDERS: I saw a statement similar to that now made by the hon. and gallant Member in the newspapers the other day, and I asked if it was true. I was told that it could not be, and for the best of all reasons, that the new system has not yet been put into operation. I quite agree with a deal of that which has fallen from the hon. and gallant Member with respect to the musketry practice of the Militia and the Line. Something ought to be done to improve it; and, feeling this very strongly, some months ago, as the Committee are aware, I appointed a Committee, presided over by Sir Daniel Lysons, to consider the subject, and that Committee has been inquiring into it with great patience and great care, both in regard to the Regular Army and the Militia. It is not, to my mind, a question which should be lost sight of. As for our soldiers being the worst shots in the world, I cannot agree with that. There are, at least, two Continental Armies whose shooting is far worse than that of our Army; but, at the same time, there are other Armies whose shooting, no doubt, is better. The British Army should not be behindhand in this matter, and I have reason to believe that the Committee will make such a Report as will enable us at the War Office to introduce great improvements into the

whole system of musketry instruction. With regard to retirement from the Militia, the change has not been made on the ground of economy.

SIR ALEXANDER GORDON said, it was not as a matter of economy that he had raised that objection, but as a matter of numbers and efficiency in the field.

MR. CHILDERS: If the arrangement is challenged, I shall be able to show that it was not made for purposes of economy. A question has been put to me about adjutants of Militia, and their position has been compared with that of adjutants at the dépôt. The question has not been before me, but I will look into it. I know nothing about additional uniforms for the Militia.

LORD EUSTACE CECIL said, he did not think the right hon. Gentleman had quite understood his suggestion, which was that, there being two uniforms, one of blue—in which all the Militia officers, he believed, performed their drill—and one of red, the young officers, who had to wait a year or two years before going into Regular Line regiments, should be only called upon to provide themselves with blue uniforms, and should not be forced to get the red.

MR. CHILDERS: I must confess that I am not familiar with this point; but I promise the noble Lord to look into the matter. The hon. Member for the Tower Hamlets (Mr. Ritchie) said I had not answered the question put to me by an hon. Gentleman behind me. Yes; we do wish to encourage the formation of a second Militia battalion where such does not exist now, in, of course, those districts where the formation of a second battalion is feasible. One difficulty with which I am met in the matter is this—that where proposals have been made to raise that second battalion, they have been accompanied, generally, with awkward questions as to interfering with the recruiting ground of other Militia battalions. I should be loth to form second battalions where there was a serious difficulty of this kind. I may say that I am anxious to get both the Militia and the Militia Reserve up to their full numbers.

MAJOR-GENERAL BURNABY said, that with regard to musketry practice he could not agree that ours was the worst shooting Army in Europe. Perhaps the Militia were not as good marksmen as the hon.

and gallant Member (Colonel Alexander) and himself (General Burnaby) could wish; but the Militia did not have those advantages which were given to the Army, and which, he trusted, shortly would be conferred upon them. The present system was to “cram” the men in this respect—if he might be allowed to use the word. He trusted that this would be altered, and that the men would not be compelled to fire a certain large number of rounds within a short space of time. The number of rounds appointed to be fired should be distributed over a certain number of months in the year. Then, as to extra ammunition which the men either purchased themselves or were supplied with at their captain's cost, he thought it should be sold at as low a price as possible. The men complained that this ammunition was too dear for the purpose, and that the Government charged for it more than it cost them to manufacture. This ammunition should be supplied at as low a price as possible, for the lower the price the greater would be the number of shots fired, and the greater the number of shots fired the more efficient would the men be. As to the change of badges, facings, and in some cases head-dress, of certain regiments, in order to adapt them to the territorial system, the cost was one which should not be borne by the officers, but by the State. In Leicestershire, the 45th and 17th Regiments and the Militia were put together under the territorial arrangement. The 45th had no badge, but the 17th happened to have a tiger; whilst the Militia regiment had a harp, and was sore at having to give it up. They did not know why they should have a tiger any more than an elephant. The harp was an emblem which they very much respected, owing to their connection with Ireland, and they hoped they might be able to retain it, not only as a matter of sentiment, but also for economical reasons.

MR. O'SHEA wished to put a question with regard to the quartermasters' quarters, because, he believed, the same thing would occur in regard to the Militia as would occur in the Army. A Memorandum of the Horse Guards gave quartermasters a right to field officers' quarters, so that a quartermaster just promoted from the ranks had a right to similar quarters to captains of 20

years' standing. There was great complaint about this.

MR. CHILDERS: I have done a great deal for the quartermasters; but I doubt whether the complaint the hon. and gallant Member speaks of is one of importance.

MR. ROUND wished to know whether, in the case of Rifle Militia regiments, where a change of uniform was determined on, the same allowances would be made by the Government as it was understood had been made in the case of Highland regiments of Militia under similar circumstances? He would also like to know whether field officers of Militia, who had retired with permission to wear their uniform, might continue to wear that uniform, although it had been changed in the case of their regiment?

MR. CHILDERS: I will consider the question of allowing a change of uniform on retirement. With regard to the Rifle Brigade, as I have said, allowance will be made to them for the difference.

EARL PERCY begged to thank the right hon. Gentleman for the manner in which he had met his appeal. If the change proposed was a good one, it should be made whether the Militia officers liked it or not; and, if those officers had a claim on the Government for assistance in paying for their uniforms, that claim should be met.

MR. CHILDERS: The Government having made the concessions they have made, should hardly be asked now to make others.

SIR ROBERT LOYD LINDSAY said, that before the right hon. Gentleman proceeded to add a second battalion to existing battalions, he hoped he would take an opportunity of informing himself whether such additions would be advantageous in the individual districts. The right hon. Gentleman should call for a Report from the commander of each battalion and ask him to state whether, in forming the second battalion, injury would not be done to the first battalion. The same thing should be done in the case of the Volunteers. In his district they could not find in the county officers sufficient to officer two battalions of Militia and Volunteers; and he was under the impression that in forming second battalions the first battalions would suffer.

Vote agreed to.

Mr. O'Shea

(5.) £73,900, Yeomanry Cavalry.

SIR ALEXANDER GORDON asked the right hon. Gentleman whether he could not so organize the Service as to render the existing number of adjutants in the Yeomanry unnecessary? In the Cavalry there were only 19 adjutants on duty all the year round; but in the Yeomanry there were no less than 39. By a better organization, also, something else besides the annual eight days' training might be found for the adjutants to do. They were only at work eight days, and during the rest of the year they were paid for doing nothing. [An hon. MEMBER: It is a mistake.] It was no mistake at all. They only attended the training, and he did think some plan might be adopted by which greater economy and more perfect organization might be secured. Surely the duty that was performed by 19 adjutants in the Cavalry all the year round could be performed in the Yeomanry for only eight days in the year by a similar number.

SIR THOMAS ACLAND said, he was no advocate for the Yeomanry as it at present existed; but he could assure the Committee that both the officers and men took a great deal of trouble to render themselves efficient. The hon. and gallant Member (Sir Alexander Gordon) said the adjutants were only up for eight days in the year; but that was not the fact. He had known an adjutant at work for a month going amongst the men and instructing them in shooting and other matters. If a regiment was to be properly kept up they must have an adjutant who would give the necessary amount of attention to it.

Vote agreed to.

(6.) Motion made, and Question proposed,

"That a sum, not exceeding £540,500, be granted to Her Majesty, to defray the Charge for Volunteer Corps Pay and Allowances, which will come in course of payment during the year ending on the 31st day of March 1882."

SIR WALTER B. BARTTELOT said, that, in the first place, he wished publicly to thank the right hon. Gentleman opposite—and in so doing he was expressing the feeling of the whole Volunteer Force—for the way in which the Volunteers had been treated at the recent Review at Windsor, not only by the right hon. Gentleman himself, but

by the War Office and the Horse Guards. The Volunteers had done their best to show what they were worth and what they were made of, and they had been well backed up by the Staff; and he would venture to say that nothing could have been better arranged, not only for the reception of the different corps at the different stations, but also for their despatch from those stations. Every civility and attention was shown, the most complicated arrangements were admirably carried out, and, in fact, nothing was omitted which made up the sum and substance of a most successful Review. The Staff showed that they had the interests of the Service at heart; and he trusted the right hon. Gentleman and the officials with whom he was associated were of opinion that discipline, which was so essential to the well-being of the force, had been well maintained. It was essential that the Volunteers should go into camp every year. The Volunteer Force to be useful must be efficient and in a good state of discipline; and the only way to effect that was by putting it into camp every year. He was quite sure that money spent in that way would be well spent. He also advised that sergeant instructors should be compelled to go to the dépôt centre every year for drill, because they were apt to become rusty. He sent his every year; and he thought such instruction should be given, and at the public expense. There was some doubt as to the retiring allowances and the age in the case of adjutants, and he would like to have some information on that point.

SIR THOMAS ACLAND said, he was not prepared to say that sending sergeants to the dépôt would be enough, for although a civilian he had seen a great many sergeant instructors; and, while he had a high respect for their many qualities, there was a great deal to be done in the way of teaching them the art of teaching others.

SIR HENRY FLETCHER corroborated the hon. Baronet, and wished to ask the right hon. Gentleman the Secretary of State for War if he could not, now that he had taken the Volunteers in hand, do something more for them than had been done during their 22 years of existence? The Volunteers had no great-coats or water-bottles, and although the commanding officers had put their hands into their pockets very frequently the

regiments were still deficient in those necessary articles. With regard to the pay of the adjutants, the old adjutants were in some doubt as to whether they would be placed on the same footing in regard to retirement as Militia adjutants were; and if the right hon. Gentleman could say that they would be placed on the same footing it would give great satisfaction. The Volunteer officers had great difficulty in getting colour-sergeants, because those men were not fully acquainted with what they would receive when they had finished their term of service. In the present system a colour-sergeant, when transferred from a Line regiment to a Volunteer regiment, was simply a sergeant; and what he was anxious to know was whether colour-sergeants, on the completion of their 21 years' service, would receive the pension of a colour-sergeant or simply that of a sergeant?

MR. W. N. NICHOLSON said, he had been requested to bring before the notice of the Secretary of State for War the claim of Volunteer officers to be exempted from service on juries as a small boon which they deserved in acknowledgment of the time they gave to the country. Referring to a recent reply of the Secretary of State for War on this subject, that the rank and file had an equal claim for exemption, he believed it would be found that but few were eligible, and that even if the exemption were extended to the whole body of Volunteers, he thought, considering the comparatively small number, the pressure on the public would be very slight. He regretted to see, under the head of "Miscellaneous Charges" for Volunteers, a reduction of £5,000 this year. Those items included travelling expenses for attendance at camp, regimental drill, and gun practice. Last year the grant was so small that officers complained that many of their men were prevented from attending camp drill because their regiments could not afford it, and he hoped that next year the allowance would be increased. He also urged an increased Capitation Grant to relieve the commanding officers from the disagreeable necessity of having to ask for subscriptions to meet the expenses of their corps.

SIR ROBERT LOYD LINDSAY also wished to draw attention to the diminution of the allowance for attendance at

military camps. The last Secretary of State for War appointed a Committee to inquire into the financial and other conditions of the Volunteer Forces; and amongst other things they considered the question whether the Capitation allowance was sufficient to meet the burdens which were cast on the Volunteers, such as uniforms, ranges, and other items of expense. After very careful consideration, that Committee reported that the Capitation Grant was sufficient with a close economy, but could not bear all those extra charges for camp drill. He therefore recommended that an allowance of 2s. per head should be granted to Volunteers for the six days while they were in camp. Thus, every Volunteer might earn, during encampment, 12s.; but the number of men who were to receive this allowance was limited. Therefore, if a regiment sent 600 men into camp, it might be that only 300 would receive the allowance; and thus, although 2s. per head was given, the result in that case would be, practically, that only 1s. a-head was allowed. He knew that at a time of great pressure in regard to the Estimates the weakest must go to the wall; but he wished to draw attention to this matter now, in the hope that in the future the War Office would give this full allowance to every man who went into camp.

Mr. CHILDERS begged to thank the hon. and gallant Member for the manner in which he had expressed himself with regard to the concessions made by the War Office to make the Volunteer Service successful. Although a great failure had been anticipated for the Windsor Review, he thought the arrangements that had been made were sufficient to justify the encomiums which were accorded to the War Office. That, however, would have been nothing but for the efficiency of the Volunteers themselves; and he could not speak too strongly of the discipline of the Volunteers and the knowledge shown by their officers at the Review. Since the first Review in the early days of the Volunteer Force, the Volunteers had shown a remarkable improvement; and the result was that at Windsor they had aroused the admiration of not only the general spectators, but of a large number of distinguished and experienced military officers, both English and foreign. Great credit was due to the

Railway Companies for the manner in which they conveyed the troops to and from the ground, but far more to the admirable discipline of the men and the experience and skill shown by the officers. With regard to the allowance for attending camps and travelling expenses, the amount taken this year was really the same as last year, taking the two Votes together. A larger number of men had attended the camps this year, and that would have to be considered in framing the Votes for next year. He had no wish to exercise an unwise economy in a matter of that kind, for it was a great advantage to Volunteers to gain experience in camp. With regard to adjutants, Volunteer adjutants would be placed on precisely the same footing as the Militia adjutants. If 55 years of age with 20 years' service they would be retired compulsorily at 10s. a-day. With regard to service on juries, he could not see why a Volunteer officer should have absolute immunity from that duty. But, as a matter of fact, the question had been decided by Act of Parliament, and he had no power to excuse Volunteer officers from serving on juries. He did not see how the privilege could be given to the officers and not to the men; and, if the men were exempted, the exemption of 200,000 men would throw a serious burden upon the rest of the community.

Mr. PARNELL said, he regretted to be obliged to take a division on this Vote; but he must do so on the ground that, although Ireland was compelled to pay a contribution towards the cost of the Volunteer Force in England and Wales, she was not allowed to have a Volunteer Force. This matter had been brought before the House several times, and in dividing against the Vote he did not do so out of any hostility towards the English Volunteers, whom he recognized as a fine body of men of whom this country ought to be proud. But there was no way of separating the amount paid by Ireland from that paid by England, and, consequently, he must divide against the whole Vote. In 1879 a Bill was brought in by Mr. O'Clery for the constitution of a Volunteer Force in Ireland, and passed by the House of Commons; but the House of Lords threw it out after very slight examination. When the Liberal Government came in, and announced their intention

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to equalize the laws of England and Ireland, it was supposed they would take some steps to remedy this grievance; but now, in their second Session, they seemed to have no intention to give a Volunteer Force to Ireland. The Irish Members were thus obliged to begin again to protest, and the only way to do that was to oppose this Vote.

MR. CHILDERS said, he admitted that the hon. Gentleman had stated his case in a fair spirit; but he would remind him that there had been a Bill on the subject introduced this Session, upon which the views of the Government might have been stated. The Bill was, however, dropped, and he regretted that, because he had desired such an opportunity of giving the objections of the Government to the formation at this juncture of an Irish Volunteer Force.

MR. T. P. O'CONNOR said, the Bill alluded to by the right hon. Gentleman was in charge of the junior Member for Tipperary (Mr. P. J. Smyth), who sat on the Ministerial Benches, together with several other Members representing Irish constituencies. It was a remarkable phenomenon that those Gentlemen made proposals, and when the proposals came forward they themselves disappeared. However, he thought the Irish Members might bring in a Bill next Session; and he hoped that the right hon. Gentleman, following the example of the late Government, would give them his support. He objected to the Vote on different grounds from those of his hon. Friend. The Volunteer Force had been described by Sir Garnet Wolseley as a force for increasing the martial spirit of the people. He objected to the martial spirit of the English people; and he thought the increase of their martial spirit was detrimental to the public peace, and essentially hostile to the principles of the Liberal Party. If it had not been for the Volunteer Force and the unwholesome feeling it had created, he did not think the Government would have had much difficulty in keeping down public opinion on the Eastern Question. He should take every opportunity of protesting against the Volunteer Force.

SIR WALTER B. BARTTELOT said, the right hon. Gentleman had stated that after 15 years' service they would receive 10s. per day, if compulsorily retired; but he (Sir Walter B. Barttelot) wished

to know what a man who voluntarily retired after 15 years' service would get?

MR. CHILDERS: There is no change in the present scale for ordinary retirement. For compulsory retirement 2s. a-day has been added at the top of the scale.

SIR WILFRID LAWSON said, he was much pleased to hear some observations which had been just made. He saw, on looking at the Votes, that they had 315,000 troops for Home and Colonial service. If they could not carry on all the wars they wished to wage with these, it was time they gave up fighting.

MR. CHILDERS: Our Army, if maintained in an efficient state, will do more to maintain peace than if so reduced as to provoke attack.

Question put.

The Committee *divided*:—Ayes 131; Noes 16: Majority 115.—(Div. List, No. 353.)

(7.) £218,800, Army Reserve.

COLONEL ALEXANDER wished to know what provision had been made for drilling and training the Army Reserve. He knew the rule was that they should be called out for 12 days each year; but, as a matter of fact, except when they were permanently called out in 1878, calls had only been made upon them in rare instances, and even then only a few at a time had been called up at Aldershot and other places. It would be better to call them up twice during their entire Reserve Service for 28 days each time, instead of 12 days annually. It was when a man had got half-way through each period of non-activity in the Service that he became rusty; therefore, instead of only calling the men up for 12 days annually, it would be better to call them up for two periods of 28 days each. There was one other point to which he wished to call attention. He had seen some of the Reserve in his own district, and they had struck him as being men who would be by no means fit for active military service if called upon. It did not seem to him that sufficient precautions were taken to see that the men were thoroughly fit if called upon for active service. He wished to ask whether, in the case of the men who enlisted to pass into the Reserve after three years with the Colours, and who, failing to obtain employment in civil life, wished to rejoin their regi-

ments, the right hon. Gentleman could not, under any circumstances, allow them to do so? He had seen a letter from General Luard, commanding the Royal Canadian Militia, who stated that when he was employed at Manchester he found many cases of men who had been passed, after three years' service with the Colours, into the First Class Reserve, and who subsequently came to him to be re-admitted into their old regiments, but had to be refused and sent away. The consequence was that many of them re-enlisted under other names.

MR. CHILDERS: I am not prepared at this moment to say whether a change in the practice of not annually calling out the Reserve for drill is desirable. It is certain that the more you impose obligations on the men, the more unpopular the Service will become. We require to be very cautious in this matter of calling out the Reserve. Some weight is, no doubt, to be attached to the point contained in the letter the hon. and gallant Member has quoted. I can well imagine that some of the men have a difficulty in finding employment; and it is a fact that a few—but, probably, very few—have come back again into the Army.

Vote agreed to.

(8.) Motion made, and Question proposed,

"That a sum, not exceeding £444,800 (including a Supplementary Sum of £40,000), be granted to Her Majesty, to defray the Charge for Commissariat, Transport, and Ordnance Store Establishments, Wages, &c. which will come in course of payment during the year ending on the 31st day of March 1882."

MR. CHILDERS: I think, perhaps, hon. Members will allow me to make a brief statement on this Vote. This is the first Vote we have taken to-night in which we have incorporated a portion of the Supplementary Estimate for the War in South Africa, and I ought to explain why that Estimate is necessary. The original Estimate this year was framed in January and laid before Parliament, I think, on the very day the news of the first action was received and a request by Sir George Colley for more troops. In moving the Estimates I explained that beyond the amount incorporated in the General Estimate for the War in South Africa, and which was shown separately in each item, later in the Session there would have to be a Supplementary Esti-

mate, as the original Votes only provided for the troops arranged to be sent out to the end of January. That we have done now. I may say, as to the framework of the Estimate, that it assumes this—that the present force in South Africa will be retained until the end of the three months allowed for the ratification of the Treaty—that is to say, at the end of October. After that the force will be reduced to about half, and we provide for this during what remains of the present year, 1881. If in the remaining three months of the present financial year—that is to say, up to March, 1882, there should be any necessity to make an addition to the normal force in South Africa—that is to say, if all the excess on the normal force is not withdrawn at Christmas, we shall have to ask for a Supplemental Vote next Session.

COLONEL DAWNAY wished to call attention to the condition of the troops serving at the Gold Coast, the most unhealthy climate in the world. The normal unhealthiness of the place rendered it necessary that the greatest precautions should be taken to put the towns in as good a sanitary state as possible. The sickness amongst the British troops, which had been extremely great this year, was owing to the severity of the summer and the defective sanitary state of the Native towns. He would urge the right hon. Gentleman to consider the desirability of putting the Fanti towns in the neighbourhood of Cape Coast Castle under proper sanitary regulations, and of compelling the Native populations to keep the towns clean and get rid of the horrible cesspools and open drains which existed there. There were several healthy stations in the interior within a few miles of Cape Coast Castle, and to these places our troops should be sent, if, indeed, it was deemed necessary to keep any British troops in the country at all. We could have our West Indian regiments quartered at Sierra Leone; and these, with the Native Houssa Police, officered by Englishmen, would be quite sufficient to protect the settlement.

MR. CHILDERS: I entirely sympathize with the object of the hon. and gallant Gentleman; but I would point out that the state of things at the Gold Coast recently was quite exceptional. A large additional body of troops were sent there. The mortality of the small

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force at Cape Coast Castle, I am informed, is not unusually great, and the place is not in a worse sanitary condition than might be expected. I do not think it is worse than Sierra Leone, or other places in that part of the world. The exceptional state of things I have referred to was the necessity of taking very prompt defensive measures to meet the action which was expected on the part of the King of Ashantee. We sent off the troops in great haste, and it was very well that we did so, because their arrival undoubtedly prevented the outbreak of hostilities. We sent the troops in such a hurry that there was no time to communicate with Cape Coast Castle before they arrived, so as to enable the authorities to take measures for putting the place in a better sanitary condition. The troops suffered severely in consequence. Ordinarily, the men are not quartered in the Native towns, and the accommodation provided for them is not more unhealthy than is usual in these bad climates. On the general question, I may say it is not in my power to give orders for the improvement of these Colonial stations. The matter rests with the Colonial Office; and as to the hon. and gallant Member's suggestion that we should withdraw British troops altogether from Cape Coast Castle, that is a thing I should be loth to do without the distinct approval of the Colonial Office. Up to the present time, I have been advised by the Colonial Office that it would not be proper to leave the Cape Coast Castle solely protected by the Houssa police without Her Majesty's troops. We, therefore, must keep a small force there.

MR. ARTHUR O'CONNOR said, he wished to draw the attention of the right hon. Gentleman to some complaints that were made by the Assistant Commissary General of the Ordnance Stores. Two years ago the Secretary of State for War had said that the Ordnance Store officers should be placed in the same position as other officers. They believed they suffered under a disadvantage from the fact that while there was at headquarters one Commissary General, they had there no permanent representation. A very decided opinion had been expressed by them as to the importance of having permanent representation at headquarters, having regard to the vast number of details which came under their notice. That was the first point

The second was that the Ordnance Store officers were not placed in a fair position with regard to pay as compared with the Commissariat officers. The wording of the Warrant relating to them was almost the same as that of the Warrant which regulated the pay of Commissariat officers; but, as a matter of fact, the operation of the two Warrants was very different. Almost every Assistant Commissariat officer of 25 years' service could draw 30*s.* a-day; but he believed there was no single assistant officer in the Store Department who could draw more than 24*s.* a-day. Most of the assistant officers of the former department could, if they thought fit, retire on 20*s.* a-day. The third grievance related to the titular rank of the Ordnance Store officers. It was a fact that in consequence of the regulation that officers of the Army who were appointed to the store branch should retain their military titles, many seniors in that Department would be styled "Mr.," while their juniors would be described as "Captain." Although some hon. Members might be disposed to laugh at the importance attached to that distinction, it undoubtedly constituted a great anomaly, and had given rise, as he understood, to a good deal of heart-burning. Such were the three points which he knew had led to much dissatisfaction in the store branch; and he would suggest that a very slight alteration in the Warrant of 1880 relating to officers in that branch would fulfil the promises which those gentlemen thought they were warranted in understanding that the noble Lord on the Front Opposition Benches gave them two years ago.

LORD EUSTACE OECIL admitted that he had stated, when the last Government were in Office, that they were prepared to put the officers of the Store Department and the Commissariat Department on an equal footing. He understood the three points raised by the hon. Member for Queen's County to be—first, that there were no Ordnance Store officers at headquarters; secondly, that they received less pay, as compared with the officers of the Commissariat Department; and, thirdly, that a grievance existed amongst them with regard to titular rank. All these questions were attentively gone into at the time referred to by the hon. Member. As regarded titular rank, he believed civilian officers in the Commissariat Department

still held the title of "Mr.;" and, consequently, in that respect, there was no difference between the two branches. It was an understood thing that the Army officers who came into these Departments should retain their military rank; and, of course, having been competent officers, it would have been very hard to take that rank away from them. On the other hand, he thought it would be impossible for any Government to give military titles where they did not already exist. He did not think there was ever any intention to give Army titular rank to the officers of the Commissariat or Ordnance Store Departments who did not already possess them—that was to say, to those who had not gained it in the Army. With regard to the Commissary General at head-quarters, no doubt hon. Members would know that the Commissary General was under the Commander-in-Chief. The number of officers of the Commissariat Department was larger by 60 or 70 than that of the Ordnance Store Department, and it was believed that the Assistant Commissary General would be able to represent both Departments. He certainly had said that this matter should be considered, and that, if it were possible, a gentleman of the Ordnance Store Department should be appointed. Then, as regarded difference of pay, he had not been able to discover that there was any difference between the two Departments in respect of pay. Such differences, however, might exist, and he had promised to look into the question to see what could be done. It was perfectly true that he had made that statement; but it was, of course, not binding on his successors in Office, who would answer for themselves; and he had no doubt whatever that the right hon. Gentleman opposite would have good reasons for what he had done, and for what he might do in future, with regard to this Department of the Public Service.

MR. CHILDERS said, since the present Government had been in Office the question to which the hon. Member for Queen's County had drawn attention had not come before him in any shape. The hon. Member would understand that there were some extremely difficult questions in connection with the subject he had referred to. For his own part, he had every wish to see the Ordnance Store Department treated fairly.

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MR. ARTHUR O'CONNOR said, he hoped that something like an equality of pay would be established. As a matter of fact, the officers belonging to the Store Department had had very much longer service, and yet they received a lower average rate of pay than the officers of the Commissariat Branch.

MR. LABOUCHERE said, he observed on page 40 a charge of £5,202 for police employed under the Contagious Diseases Prevention Acts. There was a good deal of difference of opinion with regard to the operation of those Acts. He should not enter into any detail, because the subject was not an agreeable one; but, no doubt, while there were arguments which might be used in their favour, a considerable number of persons were opposed to them, some on the ground of inefficiency, others on the ground of immorality, while others believed that they could not be carried out without doing wrong to respectable persons. Under these circumstances, he did not think there was sufficient general assent in their favour to justify public money being spent upon them. He should, therefore, move that the Vote be reduced by the sum of £5,202.

Motion made, and Question proposed,

"That a sum, not exceeding £439,698 (including a Supplementary Sum of £40,000), be granted to Her Majesty, to defray the Charge for Commissariat, Transport, and Ordnance Store Establishments, Wages, &c. which will come in course of payment during the year ending on the 31st day of March 1882."—(*Mr. Labouchere.*)

MR. T. P. O'CONNOR said, he regretted that the hon. Member for Northampton had brought forward this Motion on the present occasion, because, although his present opinion was in favour of it, he should have liked a little further time for consideration. As it was, however, he should have no choice but to vote with the hon. Member. With regard to the quartermasters in the Store Department, he understood that considerable dissatisfaction existed amongst those officers on account of the loss or deterioration of social position, which they believed they sustained in connection with the alteration of their titular rank. If the right hon. Gentleman would say a word or two on the question, it might, perhaps, remove a good deal of the feeling which existed amongst these gentlemen in consequence of their

being treated with a great want of consideration by the military authorities.

SIR HENRY HOLLAND said, he was aware of the difference of opinion which existed on the subject of the Contagious Diseases Acts; but he trusted that the hon. Member for Northampton would not press his Motion to a division on this occasion. He reminded the Committee that a Committee, of which he himself had been a Member, was sitting for the purpose of considering these Acts; and until that Committee had reported, it was certainly necessary that police should be employed to carry the Acts into operation.

MR. CHILDERS said, he would venture to add his request to that of the hon. Baronet opposite, that the hon. Member for Northampton would not think it necessary to call upon the Committee to proceed to a division upon his Motion. He made this appeal in the interest of those persons who were opposed to the Acts, because a great many hon. Members would vote for the Estimate as requisite so long as the law was in operation, although they did not agree that the present state of the law was satisfactory. He could speak for several Gentlemen who were not satisfied with the present condition of things, who could not but vote the necessary expenditure for carrying out the law, but who, if the question were whether the law should be changed or not, would certainly vote against its continuance.

AN hon. MEMBER said, he also hoped that the Motion would not be pressed. He believed the Acts in question were both useful and moral in their tendency. Anyone who had heard the evidence given before the Committee upstairs must have been impressed with the benefit which had been derived from their operation in garrison towns.

MR. LABOUCHERE said, he regretted he was unable to yield to the appeals made to him to withdraw his Motion. But he felt very strongly upon this subject, as did also his constituents. No Report of any Committee, nor even the opinion of his constituents, would ever convince him that an error had not been committed in regard to these Acts.

Question put.

The Committee divided:—Ayes 13; Noes 80: Majority 67. — (Div. List, No. 354.)

Original Question put, and agreed to.

(9.) £780,000, Clothing Establishments, Services, and Supplies.

LORD EUSTACE CECIL wished to urge the Secretary of State for War to go very thoroughly into the prices at the clothing establishments, especially in regard to the cloth for tunics and caps and badges. These might be small things, but they involved a large sum of money. There was a great deal of waste; and he also would suggest that a large amount of the clothing made elsewhere might be made at these establishments.

MR. CHILDERS said, he quite agreed that these small things were important, and promised to consider the matter.

SIR HENRY HOLLAND said, there was a large reduction in the amount of material sold to contractors; and he wished to know if any substantial change was to be made in the Clothing Department?

MR. CHILDERS said, that this was only a matter of account, and that there was really no change.

SIR HENRY FLETCHER said, the new Regulation required soldiers to surrender their uniform on retiring from the Army, and to purchase new clothing. Would any allowance be made on that account? There was, he added, great dissatisfaction among the men.

MR. CHILDERS said, he did not think there was anything like general dissatisfaction upon this matter, and that the change was made on the recommendation of the whole body of commanding officers.

COLONEL ALEXANDER said, the commanding officers had advised that the men's uniforms should be taken away on their leaving, for many men had gone about begging in their uniforms, and so disgraced the Service.

Vote agreed to.

(10.) Motion made, and Question proposed,

"That a sum, not exceeding £1,290,000 (including a Supplementary Sum of £120,000), be granted to Her Majesty, to defray the Charge for the Supply, Manufacture, and Repair of Warlike and other Stores (including Establishments of Manufacturing Departments), which will come in course of payment during the year ending on the 31st day of March 1882."

LORD EUSTACE CECIL desired to know in what position the question of breech-loading guns stood; what the

Committee on that subject were doing ; whether they had hit upon a gun that would suit the Naval Service ; and whether they proposed any change in the breech-loading guns for land service ? He also wished to know if there was any disposition to consider magazine guns as any part of our armed service ; and why there was so large an increase for gunpowder ? Perhaps the right hon. Gentleman would explain the decrease for materials and metal ; and why there was an increase of £17,400 in regard to machinery ?

MAJOR-GENERAL FEILDEN moved that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Major-General Feilden.*)

MR. CHILDERS said, he hoped the Committee would not report Progress at a quarter before 2, considering what had still to be done in the few remaining days of the Session. There was no contentious matter in the remainder of this Vote, and he hoped the Committee would proceed.

Question put, and *negatived*.

MR. CHILDERS said, in reply to the noble Lord the Member for West Essex (Lord Eustace Cecil), that the question of breech-loading guns would come up on the Navy Estimates, and he should take part in that discussion. Undoubtedly, the use of prismatic powder did necessitate longer guns and larger chambers. Both those considerations pointed to the advantage of breech-loading guns over muzzle-loading guns, especially when the guns were in a confined position, and when a larger chamber was required for the powder than for the projectile. Guns which were not in a confined position, or in turrets—muzzle-loading guns—could be loaded, so far as their length was concerned, as well as breech-loaders ; but the larger chamber was coming more and more into use, and that tended more and more to the use of the breech-loader ; and he did not doubt that there would be a large increase in those guns, especially for service at sea. The Committee were making most careful experiments, and he had not hurried their operations. The question of magazine guns was not yet settled ; but he had seen them all, and he was

satisfied they had a great many faults. As to the items of the Vote, there had been a saving on metal due to the requirements having been less this year, and the stock sufficient for all that was wanted. The increase in gunpowder was owing to increased demands, and to the stock having become low.

MAJOR-GENERAL BURNABY said, he believed that the gun-spikes carried by the pioneers in Infantry regiments would not effectually spike any modern gun ; moreover, the number carried was too few.

MR. CHILDERS thanked the hon. and gallant Member for drawing attention to the matter.

Original Question put, and *agreed to*.

SIR WALTER B. BARTELOT moved to report Progress. He was willing, if necessary, to sit there ; but he thought it too much to put forward, at 10 minutes past 2, all these Estimates, and to force them down the throats of hon. Members. He protested against the practice.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Sir Walter B. Bartelot.*)

MR. CHILDERS said, he had no intention to force these Votes against the wish of any considerable number of Members, and he would agree to take the remaining Votes to-morrow.

Motion *agreed to*.

Resolutions to be reported *To-morrow*.

Committee to sit again *To-morrow*.

IRISH CHURCH ACT AMENDMENT BILL.—[BILL 235.]

(*Mr. William Edward Forster, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

SECOND READING.

Order for Second Reading read.

THE SOLICITOR GENERAL FOR IRELAND (MR. W. M. JOHNSON), in moving that the Bill be read a second time, said that at that late hour the House would probably consider it desirable that he should only give an outline of the measure. The term of the Commissioners of Church Temporalities in Ireland under the Irish Church Act had

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come to an end, and their powers were now temporarily continued by the Expiring Laws Continuance Act. Practically, all that remained to be done was to pay the annuitants that remained of the former establishment, to collect the income that remained for the Temporalities Office, and to pay off the debt due to the National Debt Commissioners and the debt for Intermediate Education. The object of the Bill, therefore, was to provide for the dissolution of the Church Temporalities Commission, and to transfer to the Irish Land Commission all the property vested in the Church Temporalities Commission.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Solicitor General for Ireland.*)

MR. WARTON asked, if the Irish Land Commission was not appointed, what would be done?

THE SOLICITOR GENERAL FOR IRELAND (MR. W. M. JOHNSON) said, the Church Temporalities Commission would be temporarily continued for another year by the Expiring Laws Continuance Bill now before the House.

MR. HEALY said, he did not object to the policy of the Government; but he wished for an exact statement of the affairs of the Church Temporalities Commission. When a particular Bill of this kind, involving an important change of policy, was advanced, the House ought to have a distinct statement of accounts.

MR. WHITLEY said, the measure had only been distributed to Members a very short time, and they had not had sufficient opportunity for examining it and turning it over in their minds. Were the Church Temporalities Commissioners aware of the Bill? Either the measure should have been introduced earlier, or the Commissioners should have received some intimation of it.

THE SOLICITOR GENERAL FOR IRELAND (MR. W. M. JOHNSON) said, he knew the Commissioners were aware of the existence of the Bill, because in an interview which he had had with Mr. Justice Lawson, who was one of them, this subject had been mentioned. There had been published a complete Report of the Church Temporalities Commissioners for the year 1880; and this summed up all that the body, with so much advantage to the public and credit

to themselves, had done from 1869 up to the present time.

MR. WHITLEY: What is the title of it?

THE SOLICITOR GENERAL FOR IRELAND (MR. W. M. JOHNSON) said, it was entitled "The Report of the Commissioners of Church Temporalities in Ireland for the period from 1869 to 1st July, 1880." It gave a brief summary of what had been done. It stated that they had realized all the land, and had sold it to occupying tenants willing to purchase, and, outside those purchasers, had sold to the general public. The manner in which the sales were made, the simple method in which the whole of the arrangements were carried out, and the plainest information carried in the most intelligible manner to the doors of the poorest, were shown in the Report.

MR. CALLAN: When did the Act expire?

THE SOLICITOR GENERAL FOR IRELAND (MR. W. M. JOHNSON): In 1879.

MR. CALLAN: And how long do the present Commissioners hold office—when was the Act continued?

THE SOLICITOR GENERAL FOR IRELAND (MR. W. M. JOHNSON): The present Commissioners hold office until the 31st December, 1881, under the Expiring Laws Continuance Act, which was passed in 1880.

MR. CALLAN said, the 3rd clause of the Bill said they should be entitled to receive salaries up to the 31st December next. Mr. Justice Lawson would have no objection to this measure, because it would continue his salary and that of his brother Commissioners up to that date, although the duties had entirely ceased. There was an evil spirit pervading the whole of the Bill, and its practical effect would be to hamper and impede the action of the new Land Commission. It would place on their shoulders an incubus—a new "Old Man of the Sea." The Land Commission would have to take over an old effete staff of officials, and be hampered with men whose old duties in no way resembled those to be imposed on the new Land Commission. The Land Commissioners were to have the power of appointing a Secretary and Solicitor; but the effect of this Bill would be to hand over a Secretary and Solicitor. If this was not intended, the clause in the Bill

to which he was referring was merely unnecessary verbiage, and should be struck out. He should like to hear from the Government when the salaries of Mr. Justice Lawson and the other Commissioners would cease, and why, considering that their work had ceased, and that they had only technical duties to perform, a Bill should be brought in to confer upon them salaries up to the 31st December? If the salaries were merely a gift to these gentlemen, let it be so stated. In the provisions of the Bill nothing was said about the payment being merely a gratuity.

MR. R. N. FOWLER said, that if the Bill were now read a second time, the Committee should not be taken before Monday. Time should be given for its consideration.

MR. BIGGAR said, he could not agree with the hon. Member for Louth (Mr. Callan) upon one of the points he had raised. The hon. Member objected to the staff of the Church Temporalities Commission being transferred to the Land Commission; but it seemed to him (Mr. Biggar) that if the Secretary and Treasurer and other officers of the former Commission were efficient, it was desirable that, instead of abolishing them, they should be transferred to a new Department. His opinion was that as little patronage as possible should be placed in the hands of the Government. They knew it must always be extremely difficult to refuse a whole crowd of applicants. He would, however, remind the Government of this in making the transfer—that at the time the Church Temporalities Commissioners made their sales under the Church Act, land was much more valuable in the market than it was now; and it would be very injurious if the valuers in their transactions acted upon the same principles that guided them a few years ago.

Motion agreed to.

Bill read a second time, and *committed for Monday next.*

CORRUPT PRACTICES (SUSPENSION OF ELECTIONS) BILL.—[BILL 238.]

(*Mr. Attorney General, Secretary Sir William Harcourt, Mr. Solicitor General.*)

SECOND READING.

Order for Second Reading read.

THE ATTORNEY GENERAL (Sir HENRY JAMES), in moving that the Bill

Mr. Callan

be now read a second time, said, that it consisted of only one section, and it was absolutely necessary that it should be passed. When it became necessary to postpone the consideration of the greater question, there arose this difficulty—that there were constituencies in which corrupt practices had extensively prevailed which had elected Members, and if those Members died, new ones could be elected; also, if there were a Dissolution of Parliament, new Members could be elected. The object of the Bill was to suspend for a limited time the holding of Parliamentary Elections in certain cities and boroughs.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. Attorney General.)

MR. WARTON said, he thought that before they took away from a city or a borough the right to return Members there should be some reason given for it in the Bill.

Motion agreed to.

Bill read a second time, and *committed for To-morrow.*

BRITISH HONDURAS (COURT OF APPEAL) BILL.—[Lords.]—[BILL 233.]

(*Mr. Courtney.*)

SECOND READING.

Order for Second Reading read.

MR. COURTNEY, in moving that the Bill be read a second time, said, the measure was of a very simple character. The Court of British Honduras consisted of only one Judge, and he was not, he believed, supported by a very strong Bar. At present, the appeal from this Court was to the Privy Council. The Supreme Court of Jamaica had three Judges, and it was proposed in the Bill to make the appeal from the Court of British Honduras to the Court of Jamaica. The Legislative Council of Jamaica had assented to this course.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. Courtney.)

SIR HENRY HOLLAND said, he hoped the Bill would be read a second time. There had always been a difficulty about appeals in British Honduras; and as both Colonies agreed to the pre-

sent proposal, and as it was distinctly desirable to bring British Honduras and Jamaica into closer union, he looked upon this as a step in the right direction.

Motion agreed to.

Bill read a second time, and *committed for To-morrow.*

PEDLARS (CERTIFICATES) BILL.

[*Lords.*].—[*BILL 234.*]

(*Mr. Courtney.*)

SECOND READING.

Order for Second Reading read.

MR. COURTNEY, in moving that the Bill be read a second time, said, that, owing to the present state of the law, pedlars were exposed to great inconvenience. They obtained hawking certificates from the places in which they resided; but when they went into other districts they were bound to obtain an endorsement. If they visited three or four different districts in one day, they were obliged to obtain a separate endorsement in each. The opinion of the police authorities had been asked on this matter, and they had reported in favour of a relaxation of the law; consequently, it was now proposed that the certificates obtained in the district in which the pedlars resided should be deemed sufficient, without endorsement, to enable them to carry on their trades in other districts.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Courtney.*)

MR. ARTHUR O'CONNOR said, he did not want to oppose the Bill, which was a very reasonable one; but he wished to bring under the notice of the hon. Gentleman the Under Secretary of State for the Home Department that which in the suburbs of London—and, in fact, in the suburbs of all large towns—was an intolerable nuisance to the respectable poor. Pedlars were in the habit of going through the streets where these persons resided, knocking at every door, and inquiring whether the inmates desired to purchase any of their wares. In some small streets sometimes as many as 20 summonses of this kind were answered in a day. It appeared to him it would be a good thing if the Home Office authorities would direct the attention of the police

to this matter, which was really a very serious grievance.

Motion agreed to.

Bill read a second time, and *committed for To-morrow.*

UNIVERSITIES (SCOTLAND) REGISTRATION OF PARLIAMENTARY VOTERS, &c. BILL.—[*Lords.*].—[*BILL 232.*]

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. ARTHUR O'CONNOR said, he wished to draw the attention of the Speaker and of the House to a point in this Bill which, he thought, was of some importance in a general sense, though it might not appear at first sight to involve anything very serious. He read in the 16th clause of this measure these words—

"On and after the passing of this Act, no person shall be allowed, after examination, to graduate at any of the Universities of Scotland until he shall have paid, as a registration fee, a sum not exceeding twenty shillings to the general University fund of the University at which he wishes to graduate."

Now, that was an imposition of a tax on the subject, and the Bill containing it had been brought from the House of Lords. The House of Lords, he believed, had no right to impose such a charge. On more occasions than one—on many occasions—the House of Commons had declined to proceed with a Bill which involved the imposition of a charge upon the people coming from the House of Lords; and in Sir Erskine May's *Parliamentary Practice* he found these words—

"So strictly had the right of the Commons been maintained in regard to the imposition of charges upon the people, that they denied to the Lords the power of authorizing the taking of fees, and imposing pecuniary penalties, or of varying the mode of suing for them, or of applying them when recovered; though such provisions were necessary to give effect to the general enactments of a Bill."

Then Sir Erskine May went on to say—

"A too strict enforcement of this rule, in regard to penalties, was found to be attended with unnecessary inconvenience; and, in 1831, the Commons judiciously relaxed it; and, again, in 1849, they introduced a further amendment of their rules, by the adoption of the following Standing Orders —

'That, with respect to any Bill brought to this House from the House of Lords, or returned by the House of Lords to this House with Amendments, whereby any pecuniary penalty, forfeiture, or fee shall be authorized, imposed, appropriated, regulated, varied, or extinguished, this House will not insist upon its ancient and undoubted privileges. In the following cases:—

'1. When the object of such pecuniary penalty or forfeiture is to secure the execution of the Act, or the punishment or prevention of offences.'

As to the 1st clause, he (Mr. Arthur O'Connor) admitted that this particular provision in the Bill was not covered by it. The second provision was—

"Where such fees are imposed in respect of benefit taken, or services rendered, under the Act, and in order to the execution of the Act, and are not made payable into the Treasury or Exchequer, or in aid of the public revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus."

He would submit that this imposition of a fee was not of such a character as to come within the condition of that Standing Order, because it was not imposed in respect of "benefit taken or services rendered." It was imposed after examination, precedent to graduating in the Scotch Universities. The object of this Bill was, not to enable people to graduate, but to make provision for the registration of voters. The last condition was this—"When such Bill shall be a private Bill for a local or personal Act." He would submit that this was not a mere local or personal Act; therefore, it did not come within the third condition of the Order. Therefore, having regard to the invariable practice of the House, there was only one course open to the House—namely, to decline to proceed with the consideration of the Bill. He submitted this matter to Mr. Speaker, first of all, as a point of Order.

THE DEPUTY SPEAKER (Mr. LYON PLAYFAIR): This is not a tax at all. The Universities have to appoint registrars and clerks to keep the registration books; and, having no fund out of which the expenses can be defrayed, they charge a small fee for the services they render in making the graduate a member of the General Council for life. In some of the Universities the fee just about pays the cost of the service the University renders. In one of the Universities it yields rather a small profit; but, as a rule, it just represents the

amount expended by the Universities on the registration book. It is no tax, but a payment for a service rendered by the University to the men it enrolls.

Mr. HEALY said, on the point of Order, he wished to remark that so recently as Monday last, in the Coroners (Ireland) Bill, the House of Lords having inserted a provision to the effect that the Grand Juries might, at the end of five years, if they thought fit, revise the salaries of the Coroners, which salaries were a charge upon the county rates, this House disagreed with the Lords' Amendments, and refused to allow it to be considered. In this case there was no tax imposed on the public whatever.

THE DEPUTY SPEAKER (Mr. LYON PLAYFAIR): It was a charge on the county rates.

Mr. HEALY: It was not a charge on the county rates. The Amendment was simply to give power to the Grand Juries every five years to reconsider the question of Coroners' salaries.

Mr. ARTHUR O'CONNOR said, that not only was there a charge made on the graduates for the purpose of defraying the expense of having them enrolled for voting purposes, but it imposed a fee on him in his character of graduate for a degree in the University. The words are—

"No person shall be allowed, after examination, to graduate at any of the Universities of Scotland until he shall have paid, as a registration fee, a sum not exceeding twenty shillings to the general University fund of the University at which he wishes to graduate."

He contended that this, coming from the House of Lords, was against the Privileges of the House of Commons.

THE DEPUTY SPEAKER (Mr. LYON PLAYFAIR): It appears to me that this case is governed by the second paragraph of the Order of 29th July, 1849, which states that—

"Where such fees are imposed in respect of benefit taken, or service rendered, under the Act, and in order to the execution of the Act, and are not made payable into the Treasury or Exchequer, or in aid of the public revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus."

It appears to me that the fees contemplated are to be charged for the purpose of effecting this registration; and I do not, therefore, see sufficient ground for

Mr. Arthur O'Connor

the Bill being laid aside in consequence of informality. That is my own view of the subject.

Mr. ARTHUR O'CONNOR said, his objection was that the clause said that a man should not be allowed to graduate without paying the fee, not that it said he should not be eligible to vote. The object of the Bill was to establish a proper registration of voters, and yet it declared that a man should not be allowed to graduate without paying a certain sum of money.

Mr. R. N. FOWLER said, that the fee was paid by the intending graduate at the London University before any examination took place at all.

Mr. HEALY said, that was not the point. The point was whether the House of Lords had a right to impose a fee upon the public before allowing them to enter the Universities.

Mr. J. A. CAMPBELL said, that the object of the Bill was to effect an improvement in the manner of conduct-Parliamentary Elections in the Universities, simplifying the existing arrangements and assimilating them; so far as practicable, to those already in use in elections for the University offices of Chancellor and General Council's Assessor in the University Court. This matter was referred to by the Scottish Universities Commissioners, who reported in 1878. A Bill dealing with the subject was introduced into this House and passed in the early part of the present Session; but in the House of Lords, owing to an accident, it became a dropped Order. A noble Lord who had been a Member of the Commission had accordingly introduced another Bill—the one now before the House—which equally carried out the recommendations of the Commission as well as other minor changes which had commended themselves to the Universities. It proposed what was believed would be a great improvement in the matter of registration. There were evils found attending the present system of registration, and it was to cure those that the provision to which the hon. Member for Queen's County objected had been inserted in the Bill.

Motion agreed to.

Bill read a second time, and committed for To-morrow.

EXEMPTION FROM DISTRESS BILL.

(*Sir Henry Holland, Mr. Rodwell, Mr. Joseph Pease, Mr. Cropper.*)

[BILL 116.] CONSIDERATION.

Order for Consideration, as amended, read.

SIR HENRY HOLLAND, in moving that the Order for the consideration of this Bill be discharged, said, he regretted that a measure intended to benefit the agricultural interest, and to exempt the property of third persons from liability to distress, should have been blocked by hon. Members who professed to represent the Farmers' Alliance.

Motion made, and Question, "That the Order for the Consideration of this Bill be discharged,"—(*Sir Henry Holland,*)—put, and agreed to.

Order discharged; Bill withdrawn.

House adjourned at half after Two o'clock.

HOUSE OF LORDS,

Friday, 5th August, 1881.

MINUTES.]—PUBLIC BILLS—*Second Reading*—*Royal University of Ireland* (194).
Committee—*Land Law* (Ireland) (187-204).
Report—*Removal Terms* (Scotland)* (184-205).
Third Reading—*Presumption of Life* (Scotland)* (197), and passed.

ROYAL UNIVERSITY OF IRELAND BILL.—(No. 194.)

(*The Lord Privy Seal.*)

SECOND READING.

Order of the Day for the Second Reading read.

LORD CARLINGFORD, in moving that the Bill be now read the second time, said, its only object was to provide, by a charge on the Irish Church Fund, the necessary means to enable the Royal University of Ireland to commence operations. That University was created by Act of Parliament two years ago, under the auspices of the late Government; and as the present Bill contained nothing beyond the provision to which

he referred, he was sure their Lordships would not object to it.

Moved, "That the Bill be now read 2^a."
—(*The Lord Privy Seal*.)

LORD BALFOUR OF BURLEIGH said, that, having no objection to the proposal contained in the Bill, he did not rise to oppose the second reading, but merely to remind Her Majesty's Government, when they were making this large provision of £20,000 a-year for the Royal University of Ireland, that there were some very poor Universities in Scotland; and, should money be asked for them in case of their requiring assistance, it was to be hoped that Her Majesty's Government would show towards them the same corresponding liberality they were now exhibiting.

Motion agreed to; Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

LAND LAW (IRELAND) BILL.—(No. 187.)
(*The Lord Privy Seal*.)

COMMITTEE. [SECOND NIGHT.]

House again in Committee (according to order).

PART II.

INTERVENTION OF COURT.

Clause 7 (Determination by court of rent of present tenancies).

THE MARQUESS OF SALISBURY said, that if the noble Viscount (Viscount Monck), whose Amendment stood first, and who was not now present, had deserted his own offspring, he (the Marquess of Salisbury) was prepared in a charitable spirit to take it in. He would be happy to move the Amendments of which the noble Viscount had given Notice, which appeared exceedingly valuable. He had himself on the Paper Amendments directed to the same object; but they were not so satisfactory as those of the noble Viscount. He begged to move the first—namely, in page 9, line 39, after ("term,") to insert ("and on any such application.")

Amendment agreed to; words *inserted* accordingly.

THE EARL OF PEMBROKE moved, as an Amendment, to leave out, in line 40, the words ("made payable,") and to insert the word ("increased.") The ob-

Lord Carlingsford

ject of the Amendment was to prevent the rent being increased on account of improvements made by the tenant. It was supposed that, by the words of the Bill, the tenant might be misled as to his rights, and might claim a deduction of rent on the ground that the farm would be deteriorated, if it were not for the improvements he had made. The words he proposed had been suggested by Mr. Healy.

LORD CARLINGFORD said, it would be safer to keep the words as they stood. They must contemplate extreme cases, which the Amendment would hardly meet.

THE MARQUESS OF SALISBURY said, he understood the object of the noble Earl (the Earl of Pembroke) was to meet the views of the people of Ireland and their most popular leaders. This Amendment would restore Mr. Healy's words, which had been abandoned by the Government.

THE LORD CHANCELLOR said, he did not consider that the alteration was necessary.

After a few words from the Earl of AIRLIE,

On question? *resolved in the negative*.

THE MARQUESS OF SALISBURY moved the following Amendments, standing in the name of Viscount Monck:—In line 40, leave out ("8,") and also ("in any proceedings under this Act;") and in line 42 after ("title") insert ("during such statutory term.") The effect of these changes would be to amalgamate sub-sections 7 and 8, and make them read as follows:—

("During the currency of a statutory term an application to the court to determine a judicial rent shall not be made except during the last twelve months of the current statutory term, and on any such application no rent shall be made payable in respect of improvements made by the tenant or his predecessors in title during such statutory term.")

Amendments agreed to.

THE MARQUESS OF SALISBURY said, he had to ask their Lordships' attention to a sub-section which he proposed to add after sub-section 8, and which he thought it was impossible to exaggerate the importance of with respect to the Bill. The sub-section which he proposed to add was—

("The rent of a holding shall not be reduced in any proceedings under this Act on account

of any money or money's worth paid or given by the tenant or his predecessors in title on coming into the holding.")

The great controversy which had arisen, and which had been so keenly disputed in all the discussions that had taken place in regard to the Bill, had been with regard to the origin, nature, and economical bearing of that indefinite "something" which they had given to the tenant to sell, and which the tenant had never possessed before. It had been attempted to be shown that the sale of the goodwill was the sale of something which had grown up by reason of the occupancy, and that to sell it was to sell something which did not belong to the landlord, and that it could not affect the rent. In saying this, he was not speaking of the tenant's improvements, for they were all agreed that the tenant's improvements should be protected. He believed, indeed, that the tenant's improvements were protected by the existing law; but, if they were not, at all events they would be amply protected under the provisions of the Bill; but there was the indefinite something beyond the improvements—namely, the tenant's goodwill—and they would naturally be anxious to know where the goodwill came from, and from what source it might arise, seeing that it was to form part of the tenant's saleable property. The usual impression had been that two and two make four, and that if there was anything to the tenant over and above the profit of his labour and capital that matter was necessarily to be taken out of the landlord's right to the rent. But among all the ambiguous expressions that had been used by the Government, one thing was perfectly clear, that they had been advised by the Government that that something did not come out of the landlord's fair rent. Where it came from he had not exactly been able to discover. It seemed to justify the theory of the spontaneous generation of wealth. It was derived from no source; it grew out of no soil; but it descended suddenly from heaven upon the tenant, and when he had received it, of course it was right that he should be allowed to sell it. But the only thing that concerned them was that it did not come out of the landlord's rent. Where it came from would be an interesting topic for discussion among the politico-economic writers of the future. That matter was one of purely

scientific interest; and if he was satisfied that it did not come out of the landlord's rent he would leave it with much pleasure to the scientific inquirers of the future to determine what its exact origin might be. He should like to quote from the debate on the Bill—and he believed he was in Order in doing so—the words which the Government themselves had used with respect to this interesting subject. Two quotations would suffice for the purpose of showing that that was the view taken by the authors of the Bill. The noble and learned Lord the Lord Chancellor, last Tuesday, said—

"I deny that under the provisions of this Bill there is any ground whatever for saying that the tenant is enabled to sell, either in Ulster or in places where no Ulster tenant custom prevails, what is the landlord's, or is taken from the landlord. I deny that it will diminish in any degree whatever the rights of the landlord."

And the noble Lord the Lord Privy Seal, speaking on the preceding evening, said—

"Is it true that the occupation element, the goodwill element, must be taken out of the landlord's fair rent? I utterly deny it. We do not admit it for a moment. We believe that the goodwill element of tenant right grows up inevitably side by side in conjunction with, and outside of, the landlord's rent; that it is not carved out of the landlord's rent; and that it does not cut down the landlord's rent."

Those were brave words, and he (the Marquess of Salisbury) desired to make them realities. It was always interesting to have assurances from the Government; but they had not the force of an Act of Parliament, and he desired, by his Amendment, to make the intentions of the Government a reality, and to introduce words into the Bill which would make it more clear, and prevent the honest and beneficent intentions of Her Majesty's Government from being, by any accident or inadvertency, evaded by any proceedings which arose under the Bill. The danger was not an imaginary one. There were two schools of thought on this subject. There were those who maintained that this purchase money was not to come out of the landlord's pocket; and there were other people who maintained that the land belonged not to one proprietor, but two proprietors, and whatever portion was fixed, the tenant had a right to something which was taken from the landlord's share. He would not stop to discuss to which of the two schools the new

[Second Night.]

Commissioners belonged—the sound orthodox school of Her Majesty's Government, or the other school which gave so much trouble in Ireland—but he would say that, while he fully admitted that the Commissioners were the most conscientious and honest people in the world, that was not the point of importance. If the Commissioners were honest and conscientious, they would act according to their view of what was just, and according to their particular theory of what goodwill was. He wished to make it perfectly clear, by words inserted in the Bill, that they should be worthy members of the school to which he was happy to recognize Her Majesty's Government belonged. It was not only a question of the existing Commissioners, be they ever so sound or orthodox. They were, unhappily, mortal, and if any of them disappeared during the existence of the Act, and that was inevitable, Parliament would have no share in determining who should succeed them, and, therefore, no share in determining the precise school of thought by which the difficult line between goodwill and fair rent should be drawn. Who the Government might be at that time, to what school they might belong, what political exigencies they might recognize, how far they might think it right to subordinate to the political pressure of the moment the convictions which they themselves had, at other times, loudly pronounced, how far they might think it right to adopt the unscientific, incorrect, and unjust doctrines of the school which was unfortunately dominant in many parts of Ireland at that moment, it was impossible for him to prophesy. They only knew it might be in their power to introduce into the administration of that Commission the unjust and unscientific doctrines which the present Government repudiated and denounced; and he thought their Lordships would only be taking a wise and just precaution if they took care that the price of goodwill was not in any degree taken from, or did not cut down, the landlord's rent. He believed the Amendment to be of the first importance as deciding whether, in a pecuniary sense, the Bill should or should not be a measure of gross confiscation; and he would only say for himself that it was only on the understanding that some such Amendment might be made with their Lordships' approbation that

he consented to the second reading of the Bill.

Moved, in page 9, line 42, after ("title"), to insert ("the rent of a holding shall not be reduced in any proceedings under this Act on account of any money or money's worth paid or given by the tenant or his predecessors in title on coming into the holding.")—(*The Marquess of Salisbury*.)

LORD WAVENEY opposed the Amendment, on the ground that it was insidious, and that its effect would be to diminish the Ulster Custom to a very great extent. The great difficulty now experienced in Ireland was for a tenant once out of his holding to get another. There was no room for him, and he would refer their Lordships to an instance in which a tenant who had emigrated, not doing well, came back again, but being utterly unable to get a holding, he became desperate, procured a gun, and shot his landlord. He thought it very natural that doubts should arise as to the origin of the third element in the value of the Ulster Custom; but, on the whole, he was satisfied with the intentions and explanation of the Government.

VISCOUNT POWERSCOURT, said, that there seemed to be a great misconception of tenant right on the part of the noble Marquess opposite (the Marquess of Salisbury). The tenant right had never, in Ulster, been supposed to come out of the landlord's rent, but was subject to it, being the difference between the rent and the full annual value of the holding; because a landlord in Ulster recognized that the buildings, which had, in most cases, been erected by the tenant, and reclamation of land by the tenant, were his property, and no rent was charged upon the tenant's improvements.

LORD CARLINGFORD said, if the noble Marquess opposite (the Marquess of Salisbury) wished to learn from what quarter the goodwill element of an Irish tenant right claim was derived, he could only refer him to the Province of Ulster, where it had existed and been tested for many generations, and where he (Lord Carlingford) thought it was pretty clear that the element was not carved out of the landlord's fair rent. But the question now before their Lordships was that of the noble Marquess's words. He did not believe that there was any question of principle at issue between the

noble Marquess and the Government upon those words; still it did not follow that it would be expedient to accept them. The words which the noble Marquess proposed to add were totally unnecessary for the object he himself had in view. The Government believed that they would add nothing to the security which all parties would possess at the hands of the Court in fixing the fair rent; and they preferred, with respect both to this Amendment and that of which the noble Marquess had given Notice to follow, as a definition of fair rent, to adhere to their own wording of the clause. But he did not put the matter entirely on that ground. It was easy to perceive that an imperative direction of this kind given to the Court might lead further than was anticipated, and might cover cases which probably, by the admission of all, ought not to be covered. For instance, these words of the noble Marquess did not say who the party was to whom the "money or money's worth" had been paid. The money might have been paid to the landlord himself. It was conceivable in an extreme case—and they were legislating for extreme cases—that a landlord might have taken a fine from a tenant, might have fixed his rent accordingly, and subsequently, for no other reason than his own will and pleasure, might have raised that rent, in which case the proceeding would evidently have been an inequitable one, and one which the Court ought not to be debarred from considering. Then there was another case, perfectly conceivable, also, and one which would distinctly come within the words as they stood. It was the case in which the tenant might, upon coming into his holding, have paid a sum of money, perhaps a large sum, to the tenant before him, with the knowledge and privity of the landlord—exactly the case contemplated by the 7th section of the Land Act of 1870, a transaction out of which the landlord had probably considerably profited himself by the recovery of arrears of rent. Supposing, subsequently, the landlord, from no reasonable cause, had raised this tenant's rent, choosing to ignore the transaction to which he was a party, was the Court in such a case to be debarred from even considering the question? If such extreme cases might follow, it would be extremely dangerous to adopt the words of the Amendment;

in fact, they believed in many cases they would lead to inconvenient and improper results. On these grounds the Government would adhere to their own framing of the sub-section.

EARL CAIRNS said, the noble Lord (Lord Carlingford) had, after much consideration, presented to their Lordships two cases which he thought might cause embarrassment if the Amendment were agreed to. One was the case where the incoming tenant might have paid a considerable sum of money to the outgoing tenant, with the knowledge of the landlord, and where the landlord might have had his arrears of rent paid out of that money. That was, in reality, nothing more nor less than the active principle of the Ulster tenant right. In 999 cases out of every 1,000, the landlord not only knew that money passed, but knew also the amount of it. Not only so; but on many of the large estates not only was the landlord aware of the money passed, but there was a fixed sum beyond which the ingoing tenant was not allowed to go in giving money to the outgoing tenant. The noble Lord the Lord Privy Seal declared the other night that the custom of Ulster was such that the rent was perfectly independent of the money paid for tenant right; but now the noble Lord said that if the sum paid by the incoming tenant was paid with the knowledge of the landlord, the Court ought to take that into consideration. In other words, the Court was to do the very thing which the noble Lord said the other night it ought not to do. The clause might be modified in order to meet the other case to which the noble Lord referred. There need, therefore, be no difficulty in accepting the Amendment from any of the cases cited by the noble Lord. It had not been proposed without careful consideration. It was quite plain that, however this right was acquired, it affected a large sum of money; and it was quite right that the landlord should have some safeguard that if a value was to be attached to goodwill it should not diminish the rent.

THE MARQUESS OF BATH said, if the proposal in the Bill was that the Commissioners should take into consideration any sum that the tenant had paid for his holding, and estimating that as against the landlord's rent, he should go with the noble Marquess (the Marquess of Salisbury) in opposition to a

clause to that effect. The Amendment also would be futile; it would not be possible to get behind the mind of the Commissioners and prevent their taking into consideration any such payment if so disposed; but there was another point in regard to the matter he would call their attention to. Let him ask, why had their Lordships accepted the second reading of the Bill? It was with the idea—whether it was to be realized or not—that the measure would do something towards the pacification of Ireland, and because they wished to put an end, if possible, to a grievance, partly real and partly imaginary, felt by the Irish people in respect to the Land Question. Now, if they sent the Bill to Ireland with the words of the Amendment in it, so far from the measure being a measure of pacification, it would tend to make disloyal the only loyal portion of the people of Ireland. The insertion into the Bill of the sub-section would wave a red flag in the face of every tenant in Ulster, and lead him to believe that he was deprived of his tenant right, for he would look upon the sub-section as a direct attack upon the tenant right already existing.

THE DUKE OF ABERCORN said, that, having had an experience of nearly half-a-century of tenant right in Ireland, he could not understand why the Government, in view of the understanding that was generally attached to the custom, could refuse to accept the Amendment. He contended that if Ulster tenant right was correctly described in Mr. Sharman Crawford's definition of it, there could be no objection to the Amendment of the noble Marquess.

VISCOUNT LIFFORD supported the Amendment.

THE DUKE OF ARGYLL expressed the opinion that the logic which had been used in support of the Amendment, while it, no doubt, would enable the noble Marquess (the Marquess of Salisbury) to achieve an easy victory over Her Majesty's Government, would hardly suffice to induce their Lordships to agree to this proposal. Indeed, no one who had regard to the peace of Ireland could wish to see the Amendment adopted. The Government had over and over again declared, and no one more so than his noble Friend the Lord Privy Seal (Lord Carlingford), that goodwill in

Ulster had no effect whatever on rent. He (the Duke of Argyll) had never believed it; for it was capable of absolute proof that tenant right and rent were, to a certain extent, conflicting, and there must be a balance struck between them. He could not understand how so many of his noble Friends in Ireland sincerely believed that goodwill had no effect upon rent. He supposed the reason was this—that they saw a good deal of land in Ulster let at say 30s. an acre, bringing what they thought to be a fair rent; but they might depend upon it that, without the tenant right, the land would let at 40s. or 45s., or some higher figure. As a general rule, it was an arithmetical certainty, therefore, that tenant right contributed to the reduction of rent. There was no doubt, too, that tenants often paid a *pretium affectionis* for the tenant right. While he said this, however, he could not agree to the proposal of the noble Marquess. It might be perfectly true that the Government ought to accept the Amendment; but he could not accept it, because he believed that tenant right in Ulster was a legal custom that ought to be sanctioned, and because he believed that this custom gave the tenant a share in what would otherwise be rent. Let them see what the declaration of the Amendment was. It was that consideration as to goodwill should be absolutely excluded by the Court in the determination of rent.

THE MARQUESS OF SALISBURY: Only excluded in the reduction of rent.

THE DUKE OF ARGYLL pointed out that, notwithstanding any limitation such as was pointed to, the Amendment would be a very dangerous one, for if the words of the noble Marquess were accepted, goodwill would not be allowed to enter into the minds of the Court in considering what was a fair rent. He admitted that the principle would be fair if applied to other parts of Ireland than Ulster, where the goodwill had never been acquired; but it was the principle of the Bill that that right should be extended to all tenants; and, after their Lordships had agreed to the second reading, they could not, in his opinion, draw back from the principle. At all events, in Ulster it would be confiscation to infringe upon the right now existing; and he therefore thought the

Amendment ought not to be accepted by the House.

THE LORD CHANCELLOR said, he would not enter into a discussion with the noble Duke (the Duke of Argyll) on controversial questions as to tenant right and rent; but quite agreed with the practical conclusion to which his noble Friend had come, and was glad to find that he opposed the Amendment. The great objection to the Amendment was that, in the form in which it was proposed, it dealt partially, and not completely, with the subject which it touched, and so tended to bring them back into the quagmire of insoluble problems. The interjection of the noble Marquess (the Marquess of Salisbury), with reference to the reduction of rents, was, in his opinion, a remarkable illustration of the imprudence of attempting to give any instruction of this kind. The noble Marquess had explained that he did not say the Court was not to take the premium paid for the goodwill of the farm into account; but only that it was not to be taken into account on the reduction of the rent. Under that arrangement, however, it might be quite open to the landlord to go to the Court, and say—"See how low the rent is, and how much cause there is for making addition to it when such a large price has been paid for the tenant right," so that the operation of the words, as proposed, would be most unfair. All attempts at definition, when equitable principles ought to be applied, were highly objectionable. It was enough that the Court should consider all the circumstances of the case, district, and holding. The tenant might have cause of complaint as well as the landlord. The Amendment was a most improvident one, and there could be no better proof how little its consequences had been considered than in its omission to provide for the case in which the tenant might have paid a fine or premium to the landlord himself on coming into the farm, an omission which it was now hastily proposed to supply. They were endeavouring to solve a difficulty by definitions which were neither complete, exhaustive, nor clear in their practical application. This would be a dangerous and unprofitable course, and it would be better to leave the matter to the equitable judgment of the Court. They must trust the Commissioners not to lay down principles which would eat into tenant right

on the one hand, or into the landlord's interest on the other.

THE DUKE OF SOMERSET said, as regarded the Bill generally, he wished to make this observation—In 1870 Mr. Gladstone had told them that he inadvertently gave the tenant a share of the landlord's property; and now, by this measure, they were called on to give another share of the landlord's property to the tenant. He liked the frankness of the noble Lord the Lord Privy Seal, who expressed his approval of "fixity of tenure," though the Bill, it was said, only meant to give "security" of tenure. The noble Lord could just as well have said that the Bill was an unjust Bill. He would have liked to see the same candour on the part of the Government; he would have liked to have heard them say—"The principle of our Bill is unjust, no doubt; but we are obliged to bring it in." But they could not help themselves. Like the apothecary in *Romeo*, paraphrasing the words, the Ministers might declare with regard to the Bill—"My necessity and not my will consents." At the same time, as the measure had not been thrown out, he must oppose the Amendment of the noble Marquess, as he believed the effect of it would be to disturb Ulster, as well as dissatisfy the rest of Ireland, and he could not see the necessity for doing that.

THE EARL OF DERBY said, they were placed in this unpleasant position as regarded the Amendment. They had to make up their minds to do one of two things—either to reject that which, undoubtedly, in some cases, would probably lead to the commission of a hardship and injustice; or, if they accepted it, they committed themselves to a statement which seemed to his mind, with all due respect to the noble Marquess (the Marquess of Salisbury), to be an economical absurdity. Suppose a tenant had two farms of equal natural value, and for one he had given nothing at all, and for the tenant right of the other he had given 20 years' purchase, he could not accept the proposition that in that case the rents of the two would be the same. He could not see how tenant right could exist without creating a corresponding diminution of rents. The proposition contained in the Amendment would create a widespread feeling of discontent among the tenants; and he, therefore, could not support it, for he believed that

if it were carried, it would be thought in Ulster that it was wished to diminish tenant right. Such a course of proceeding would be highly impolitic.

THE EARL OF DUNRAVEN said, if their Lordships accepted the Amendment, they would be doing a manifest injustice; for if any deterioration of the property occurred the whole deterioration must fall upon the tenant right before the tenant or the landlord was affected at all. Nothing, he thought, could be more unjust than that, because the tenant might have given a large sum for the tenant right, and it might have been quite worth it; and yet, if the land depreciated in value, the whole depreciation would fall upon him, and the rent would not be affected until the tenant had lost his whole interest. That could scarcely be intended; and he therefore hoped the Amendment would not be accepted by their Lordships.

VISCOUNT POWERSCOURT said, he would appeal to the noble Marquess to withdraw the Amendment, which went to the root of the Ulster tenant right, a custom their Lordships had so much difficulty in understanding. If it were accepted, it would be ruinous to the custom. Such a proposal, if engrafted on the Bill, would be considered as an attack on Ulster tenant right, and, consequently, must give rise to increased agitation, at all events in the North of Ireland.

THE MARQUESS OF WATERFORD said, that nearly every speech had been logically in favour of the Amendment. It was admitted that if the tenant right was to be taken into consideration, it would reduce the rent to a minus quantity. It had been stated that land in Ulster must be let below the value, because there was no tenant right. Well, he had some property in the North of Ulster under the most unlimited form of Ulster tenant right, and other property in the South free from it, and the rents upon both were almost identical; but, curiously enough, in the South the rents were never changed, while in the North they were revised every 20 years. It was almost impossible for even an Ulster man to understand tenant right. Tenant right was never taken into consideration in fixing the rent. He thought that this was the most important Amendment that had yet been moved, and he

hoped that their Lordships would adopt it, if his noble Friend should, as he (the Marquess of Waterford) hoped he would, press it to a division.

The Earl of LEITRIM and Viscount MONCK rose together and began simultaneously to address the Committee. Neither noble Lord giving way, and there being calls for the former,

LORD ORANMORE AND BROWNE thought that, as many noble Lords on the Government side of the House had addressed the Committee, the noble Earl (the Earl of Leitrim) ought to be heard.

Viscount MONCK then resumed his seat.

THE EARL OF LEITRIM said, that he only wished to remark that the Amendment was of the greatest importance, especially with reference to Ulster. Perhaps it would be a surprise to noble Lords on the Ministerial side that he intended to vote with them. He felt inclined to trust the Court in this matter, because he wished to leave no opening by which tenants could complain that their interest was left unconsidered. He was a great believer in the Ulster Custom; it had worked with the greatest advantage, and under the Bill, while not approving of the extent to which it went, he felt certain that, by the extension of the custom of free sale to all Ireland, the landlords of estates in those parts which were overcrowded would derive the greatest possible benefit.

VISCOUNT MONCK observed, that tenant right in Ulster arose from the forbearance of the landlords in not exacting the highest possible rent; and he hoped that they would not get into any complication through discussing the theory of rent. That forbearance on the part of landlords was not confined to Ulster; and what, through consideration, landlords had done for Irish tenants the Bill would make certain and permanent. Although the Bill would take certain powers away from the landlord, hitherto enjoyed by him, it practically would not take anything that was of real importance. He opposed the Amendment. He quite agreed with the remarks that had fallen from the noble Duke (the Duke of Argyll), and believed that amongst the rights that the Bill would take from the landlord was that of exacting from a tenant the highest commercial rent,

The Earl of Derby

LORD INCHQUIN supported the Amendment, contending that if it were not inserted in the Bill landlords in Ireland would be treated very unjustly. He would draw the attention of their Lordships to a case of a tenant who took a grazing farm and said he had paid nothing for the goodwill. In a year he applied for a reduction of rent, and then, after considerable pressure, he had admitted that he had paid a considerable sum for it. If rent was to be reduced by the interest of the sum so paid for tenant right, landlords would suffer the greatest injustice.

THE MARQUESS OF SALISBURY said, there seemed to be an impression among their Lordships that the Amendment would attack the existing tenants of Ulster, and operate to the derogation of tenant right. Nothing could be more untrue. There was nothing in the Amendment which would affect any existing rights or past transactions of the tenant. The whole object and effect of the Amendment would be to prevent future rises in the price of tenant right from gradually eating away the rent of the landlord by the Commissioners having any doubt as to their duties, or taking an improper view of them. The interests which were at stake were very large. If it was allowed that a general rise of the tenant right, rising continually in proportion as the rent was lowered, was to have the power of eating away the rent, it was difficult to assign a limit to a process by which the rent would entirely disappear. The tenant right of the past would not be affected, the actual rights and the present privileges enjoyed by the Ulster tenants would in no degree be affected; but the rights and rents of the landlord would be saved from the future deterioration which would ensue if, unfortunately, the Commissioners should think that the prices given for the tenant right in the future were to be considered as a solid reason for reducing the rent.

THE EARL OF ANNESLEY wished to ask the noble Lord the Lord Privy Seal to tell him what he thought the Court would be likely to do in the following case:—Suppose a tenant in Ulster had given 60 years' purchase for an acre of land, and that the land to the landlord was only worth 20 years' purchase, how did the noble Lord think the Court would act if the tenant applied to them to fix a judicial rent?

VISCOUNT TEMPLETOWN supported the Amendment.

LORD CARLINGFORD, in reply, said, as far as he understood the noble Earl's (the Earl of Annesley's) question, it stated a miraculous case. Supposing, however, that such a miracle occurred, he should neither expect nor approve any such result flowing from it as was apprehended by the noble Earl. In fact, there would be no such result from the Bill.

THE EARL OF ANNESLEY thought he was entitled to have an answer to his question. He asked the noble Lord the Lord Privy Seal to give his opinion as to what the Commissioners would do in that given case. Evidently, the noble Lord was not acquainted with the prices paid for tenant right in Ulster. Forty years' purchase was no extraordinary price for tenant right in Ulster. The price had often gone as high as 50 and 60 years' purchase.

On question? Their Lordships *divided*:—Contents 157; Not-Contents 110: Majority 47.

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Norfolk, D.	Howe, E.
Northumberland, D.	Lichester, E.
Portland, D.	Lathom, E. [<i>Teller.</i>]
Richmond, D.	Leven and Melville, E.
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		Emly, L.	

Amendment agreed to.

THE MARQUESS OF SALISBURY said, it would not be necessary to move the other Amendments of which he had given Notice to the clause, they being directed to the same object as the Amendment agreed to—that was, to prevent the rent of the landlord from being ground down by the proceedings of the Court.

NOT-CONTENTS.

Selborne, L. (<i>L. Chan-</i> <i>cellor.</i>)	Ailesbury, M.
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LORD STANLEY OF ALDERLEY in moving, as an Amendment, in page 9, after sub-section (8), add as new sub-section—

“(9.) Wherever a judicial rent has been fixed by the Court, if the payment of that rent shall be withheld more than six months after it shall have become due, the tenant shall pay interest on that rent at the rate of five per centum per annum from the date of its becoming due,”

said, that, apart from other causes, there was great probability that rents would still be withheld, owing to the general aversion to punctuality in money payments, which was greater in Ireland than elsewhere. The Bill did not provide for enforcing the payment of rent when due, and the expectation of the public was that the new rents should be punctually paid. A clause such as this was common in Scotch leases, and in some cases they contained a much higher penalty for unpunctuality, amounting to 20 per cent. At present Irish landlords were obliged to borrow—if they were able to borrow—at a much higher rate of interest, while the tenants who kept back their rents put their money on deposit into the banks. This sub-section would be a boon to tenants under judicial rents, since it would give them six months' law, instead of their having to pay immediately their rents were due, as was supposed by the Bill.

LORD ORANMORE AND BROWNE observed, that the Irish Government was in the habit of charging 5 per cent on all payments due to the Government.

THE EARL OF KIMBERLEY opposed the Amendment, remarking that the payment of arrears was already a difficult matter in Ireland, and would hardly be facilitated by the addition of a charge of 5 per cent.

LORD ORANMORE AND BROWNE said, that the Amendment was not an extraordinary proposition; but he did not think that, if agreed to, it would be of any use.

Amendment negatived.

Clause, as amended, *agreed to.*

Clause 8 *agreed to.*

Clause 9 (Lease approved by Court during its continuance to exclude provisions of the Act).

VISCOUNT MONOK moved, as an Amendment, in page 10, line 31, after

(“tenancy”) insert (“and for a term not exceeding sixty years.”) The effect of the Amendment would be that, at the expiration of a judicial lease of a tenancy for a term not exceeding 60 years, the lessee of such tenancy would be deemed to be the tenant of a present ordinary tenancy from year to year.

Amendment agreed to; words inserted accordingly.

THE MARQUESS OF LANSDOWNE moved, as an Amendment, in page 10, line 32, to leave out (“present”) and insert (“future”) in the provision that, at the expiration of a judicial lease, the lessee shall be deemed to be the tenant of a present ordinary tenancy from year to year at the rent and subject to the conditions of the lease.

LORD CARLINGFORD said, he could not accept the Amendment.

Amendment (by leave of the Committee) withdrawn.

Clause, as amended, *agreed to.*

Clauses 10 and 11 *agreed to.*

Clause 12 (Regulations as to sales and application to Court to fix rent).

EARL CAIRNS moved, as an Amendment, in page 12, line 25, to leave out (“founded on notice to quit,”) and insert—

(“As in the case of a power of re-entry upon condition broken contained in a lease. Provided always, That the tenant may, before any such proceedings are taken by the landlord, apply to the Land Commission, or, during the pendency of such proceedings, apply to the court in which the same may be pending, for relief; and the Land Commission or the said court may grant or refuse relief as the Land Commission or the said court, having regard to the conduct of the parties and to all the circumstances of the case, thinks fit, and in case of relief may grant it on such terms, if any, as to costs, expenses, damages, penalty, or other matters relative to the breach as to them seems fit. Provided also, that no relief shall be given to any tenant under this section unless at the time of the application for relief such breach shall have absolutely ceased.”)

The noble and learned Earl remarked that the only way in which, after a breach of a statutory condition other than the payment of rent, a landlord could get rid of a tenant was by giving notice to quit. Two serious consequences would flow from that arrangement, as it at present stood. One would be that the landlord would be liable to pay the ten-

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ant compensation for disturbance under the provisions of the Act of 1870, and another was that, in consequence of the long notice required to be given in Ireland, the landlord might have to wait for 12 or even 18 months before he could get rid of a tenant. That, he thought, was undesirable, and he therefore hoped the Government would accept the Amendment.

THE LORD CHANCELLOR said, he was sorry he could not agree with the view taken by the noble and learned Earl (Earl Cairns); and he must therefore express a hope that their Lordships would not accept the Amendment. Its effect would be to entirely invert in point of severity the practice which had hitherto prevailed in Ireland with regard to non-payment of rent and breaches of conditions of this character. He should therefore advise their Lordships to adhere to the present state of things, which afforded many practical advantages, and which was understood by the tenants. If they gave the landlord the power of immediate re-entry, a power almost unknown in Ireland, the effect of such stringent legislation would be to produce a large amount of irritation. In the Act of 1870 there were clauses which prevented, in a great many cases of this kind, the granting of compensation for disturbance; and he thought it would be better to leave the matter in the hands of the Court.

EARL CAIRNS said, that if he understood the Government to say that the clauses referred to would prevent compensation in all the cases at which his Amendment was aimed, then he would be satisfied.

THE LORD CHANCELLOR was afraid that his noble and learned Friend was asking too much.

EARL CAIRNS said, he was quite willing to withdraw his Amendment, in order to take a division on the Amendment which had been put on the Paper by his noble Friend (the Marquess of Waterford), and which would raise the same question further on.

Amendment (by leave of the Committee) *withdrawn*.

EARL CAIRNS said, the Bill provided that a tenant in arrear could sell his holding, and pay the rent out of the purchase money, and the idea of the Bill seemed to be that in this way eject-

ment would be superseded. But there was no mode of putting the tenant in motion for the purpose of selling his holding and making that payment. The landlord, therefore, had to go through the circuitous process of ejectment, and then the tenant could sell. That, he thought, was an objectionable mode of procedure, and in order to obviate it he would move, in pages 12 and 13, to leave out sub-section ("4,") and insert—

"(4.) Where not less than one year's arrears of a judicial rent payable in respect of a holding is due to the landlord, it shall be competent to the landlord (without prejudice to any other remedy for the recovery of such arrears) to apply for and obtain from the court an order that, unless the amount of arrears of rent be paid within a time to be named in such order (not being longer than three months from the making of the order), the interest of the tenant in the holding shall be sold by the sheriff in like manner as chattel interests in land are now sold under a writ of *fi. fa.*;

"Provided that—

"(a) The interest so sold shall be assigned to the purchaser by a deed to be executed by the court which has made the order for sale; and

"(b) The purchaser shall be entitled to an order from the court, in the nature of an injunction, for the sheriff to put the purchaser into possession of the interest which shall appear by the said assignment to have been granted to the purchaser; and

"(c) Where a sale takes place under such an order the landlord shall have no right of pre-emption; and

"(d) The arrears of rent and the cost of the proceedings under this section shall be a first charge upon the purchase moneys."

THE LORD CHANCELLOR said, he was surprised that such a scheme should be recommended by his noble and learned Friend. He could not see his way to accept the Amendment, which was in no way necessary for the protection of the landlord's interests, and which would practically take away the tenant's right of free sale. Under the law as it stood the tenant was entitled to six months' notice, and it was his interest to avail himself of the power of sale. He deprecated the idea of making that power compulsory. He therefore hoped their Lordships would not accept it. The Amendment also proposed to attribute to the Court under this Bill, which was in principle a Court of Arbitration or conciliation between landlord and tenant, the functions of the ordinary Courts of Law, including that of issuing writs to sheriffs for process of execution. He thought it would be better to leave the question to the present legal authorities,

and trusted his noble and learned Friend would not press it.

LORD O'HAGAN, said, that a sale under a writ of *fi. fa.* in Ireland was not generally satisfactory. He thought such a sale would be injurious to the tenant and not beneficial to the landlord; and as the landlord had ample power at present he saw no occasion for the Amendment.

EARL CAIRNS thought the tenant would be much worse off if the landlord treated him as an ordinary creditor would treat him. The Amendment was really in the tenant's favour. He would not, however, press his Amendment.

Amendment negatived.

THE MARQUESS OF WATERFORD moved in page 13, line 13, after ("tenancy," to insert—

"(5.) A tenant compelled to quit his holding during the continuance of a statutory term in his tenancy, in consequence of the breach by the tenant of any statutory condition, shall not be entitled to compensation for disturbance."

His object was to prevent the landlord being under the necessity of paying his tenant for compensation for disturbance when the tenant had broken his statutory conditions. It was just that such an Amendment should be agreed to, and he therefore hoped his noble Friend the Lord Privy Seal would accept it.

LORD CARLINGFORD opposed the Amendment. He held that the tenant deserved some measure of compensation, and, in aggravated cases, he would only get it on a very small scale. Indeed, in such cases as were contemplated by the noble Marquess the landlord would undoubtedly not have to pay compensation for disturbance. But there were cases in which the landlord might serve notice to quit for a breach of conditions that might only be of a trifling technical character; and in such the Government deemed it best not to deprive them of the opportunity of appealing to the benefits of the compensation clauses. The matter was dealt with, and, he considered, sufficiently dealt with, by the Act of 1870.

THE MARQUESS OF WATERFORD said, that his noble Friend seemed to have forgotten his own Bill. If the condition broken was of such a moderate character as contemplated by the noble Lord, then the Court would grant the tenant relief under Section 4 of the very clause they were discussing. He

contended that the Bill was not specific upon the subject, and urged that it would be a terrible thing if the tenants were able to break the standing conditions and then claim compensation. The Amendment was a very proper one, and he should press it to a division.

LORD HARLECH supported the Amendment.

THE EARL OF LONGFORD said, the Government had not shown sufficient reason why the Amendment should not be introduced.

THE LORD CHANCELLOR repeated the assurance given by the noble Lord the Lord Privy Seal, that the Land Act of 1870 covered the subject of the noble Marquess's Amendment. He did not think it was really worth while to alter the Bill in such a small matter.

THE EARL OF DUNRAVEN said, it might not always be a tenant's fault that he could not keep the statutory conditions; and, if it were not his fault, it was hard that he should be debarred from making a claim for disturbance. He might be bankrupt through no fault of his own.

THE MARQUESS OF SALISBURY said, the intention was to restrain capricious eviction; but would anybody say that it was capricious eviction for a landlord to get rid of a tenant who was defaulting in payment? It was not a trivial Amendment. Could anyone imagine a condition more unpleasant than to be surrounded by tenants who were in a condition of bankruptcy? But, as the clause stood, unless the landlord was prepared to face a sweeping claim for compensation, he could not afford to evict, but would be forced to retain bankrupts as tenants. The noble Lord depended very much on the Court restraining action of this kind. All he could say was, he wished the Court existed now, and that its jurisdiction extended to the conduct of Her Majesty's Government.

THE EARL OF PEMBROKE said, the noble and learned Lord on the Woolsack had tried to argue something which the Prime Minister had declared to be unarguable.

THE EARL OF AIRLIE said, he could not see why a landlord should pay a fine because a tenant was unable to pay his rent.

LORD PENZANCE said, if a breach of the statutory conditions was of a

slight character, the reasonable conclusion was, that the tenants should not be evicted for it. To say, however, that a tenant ought to be evicted for breach of statutory conditions, and then that the landlord should give him compensation, seemed to be absurd on the face of it.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 13 (Limited administration for purposes of sale).

On Motion of the Earl of BELMORE, the following Amendment made:—In page 13, line 27, leave out ("may"), and insert ("shall.")

Clause, as amended, agreed to.

Clause 14 (Provision for determination of estate of immediate landlord).

LORD CLONCURRY said, he observed that the noble and learned Earl on the Front Bench (Earl Cairns) had a Motion on the Paper to strike out the clause altogether. He (Lord Cloncurry) himself had two Amendments to it on the Paper. He would, however, withdraw the first, and would ask their Lordships' favourable consideration to the second. The clause provided that in the case of a tenancy from year to year, if the estate of the immediate landlord was determined during its continuance, then the next superior landlord should stand in the relation of immediate landlord to the tenant, and have the rights and be subject to the obligations of an immediate landlord. The Amendment he would move was to add at end of clause the words—

("Provided, that a superior landlord shall not be subject to any obligations in respect of any under-tenancy created without his express consent.")

THE LORD CHANCELLOR said, that the middleman occupied for the time being the position of the superior landlord, and the tenant was clearly entitled to the same benefits he would have had under the middleman, just as the tenants in a settled estate were entitled to expect that a succeeding life tenant would carry out the engagements of his predecessor.

EARL CAIRNS said, that, so far as regarded settled estates, it was obvious that the tenant for life must represent the whole estate for the time being, and on his death his position as landlord

ought to be carried on by the next in succession. If the clause were confined to that he should not have a word to say. But from communications he had received from various quarters, the question of middlemen was one of extreme importance in Ireland upon many estates, large and small, and in cases brought to his knowledge property to the extent of many thousands a-year was involved. Under some old leases land was let to middlemen at what was then supposed to be a fair rent, or at less than a fair rent where a fine had been paid. The middleman let to sub-tenants, and now hundreds of tenants were in possession, having no connection whatever with the owner who had made the lease to the middleman. The property had probably changed hands, and the purchasers bought it upon the footing that the lease would shortly terminate, and fully anticipated at the close of these leases, that they should be allowed to resume possession of their property. They had made arrangements on that supposition, and a number of leases would shortly fall in to the superior landlord. The effect of this clause would be that the head landlord, between whom and the under tenants there was no privity whatever, would be compelled to come into Court at the instigation of the tenant, who would claim to be tenant in perpetuity. Thus every arrangement which had been made would be nullified, and the loss to landlords would be incalculable. He hoped the Committee would be careful, therefore, before they adopted a clause which in this aspect seemed to be perfectly foreign to all the other provisions of the Bill. If this was to be the effect of the clause, he hoped their Lordships would adopt the Amendment he intended to propose.

THE EARL OF BELMORE asked the noble and learned Lord on the Woolsack (the Lord Chancellor) whether, under the wording of the clause, if a tenant had possession from length of occupancy without paying any rent, against a middleman, the superior landlord would not be bound by the middleman's neglect? He had heard of such a case.

THE LORD CHANCELLOR replied, that such would not be the case.

LORD CARLINGFORD said, he was not inclined to take part in that rather

legal discussion; but he saw clearly enough that to strike out this clause would be a very serious injury to the Bill. Not only that, but the Amendment of the noble Lord as proposed would evidently sweep out of the purview of the Bill all the advantages which it was intended to confer upon a very considerable number of occupying tenants scattered all over Ireland. From the moment the Bill was passed, every occupying tenant would have under a middle landlord all the rights of any other occupier in Ireland. If this clause were struck out, the moment the middleman disappeared every one of these tenants would lose the rights conferred upon them by Parliament. That was a result which their Lordships would not wish to arise, as if an Irish proprietor thought fit to part with his land, and handed over his rights to another person, he must be prepared to abide by the results, unless the middle landlord had created occupying tenants contrary to his lease. But if, consistently with his lease, he had created those occupying tenants, it would be highly impolitic to deprive them of the rights which all occupying tenants would possess in Ireland. The probability was that upon the falling in of the lease the rents of the occupying tenants would be found to be extremely high. Probably those tenants would come to the Court and ask for a reduction; but a reduction would do no harm to the landlord; not the least, because the middle landlords were in the habit of obtaining rents, which the superior landlord would probably not think of asking. Not only that, but the reduced rent would be worth more to the landlord than the rent which he at present received from the middleman for a lease made possibly 100 years ago. Take, for instance, the case of Lord Portsmouth. Lord Portsmouth's income was very much increased by the falling in of old leases, although he reduced the rents which the occupying tenants had been paying to the middlemen.

THE MARQUESS OF SALISBURY contended that it would be a piece of injustice to give a leaseholder perpetuity of tenure. He would refer their Lordships to the case of a man who, having bought 600 acres in the Landed Estates Court, found, on the expiration of the lease of a middleman, a sub-tenant who neither had ability to farm properly nor was

able to pay a fair rent, but who yet would obtain by the Bill perpetuity or "durability" of tenure. It would be well for the Government to accept the Amendment, and thus remove the question of leases from this clause altogether. Unless the Government consented to make some considerable modification in the clause, the Opposition would have no alternative but to go to a division.

LORD CARLINGFORD said, that the remedy in such a case as that suggested by the noble Marquess (the Marquess of Salisbury) would be to fix a judicial rent for the tenant. On that being done, if the tenant could not pay what the Court deemed a proper rent he would have to go. He thought the clause, as it stood, afforded ample protection to the occupying tenant.

THE MARQUESS OF LANSDOWNE thought that many hard cases would occur under the clause as it now stood.

THE DUKE OF ARGYLL took the same view; but held that it would be a serious thing to exempt any considerable number of sub-tenants from the operation of the Bill. It should be distinctly declared whether the sub-tenants or middlemen, on the expiration of their leases, were to be regarded as present or future tenants under the Act.

LORD CARLINGFORD said, they would rank as present tenants.

Amendment (by leave of the Committee) *withdrawn*.

EARL CAIRNS said, he wished to move Amendments to the clause. As it stood upon the Bill, it provided that—

"If in the case of any holding of the estate of the immediate landlord for the time being is determined during the continuance of any tenancy from year to year, whether subject or not subject to statutory conditions, the next superior landlord for the time being shall, for the purposes of this Act, during the continuance of such tenancy, stand in the relation of immediate landlord to the tenant of the tenancy, and have the rights and be subject to the obligations of an immediate landlord."

He moved that the words ("immediate") and ("for the time,") in page 13, lines 31 and 32, be omitted from the clause.

Amendments *agreed to*.

Moved, In page 13, line 32, after ("being") to insert ("a limited owner.") —(*The Earl Cairns*.)

[*Second Night.*]

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Resolved in the affirmative.

Clause, as amended, *agreed to.*

Clause 15 *agreed to.*

Clause 16 (Letting for labourers' cot-
tages not to be within the restrictions of
Act).

On the Motion of the Earl of LIMERICK, the following Amendments made:—"In page 14, line 6, after ("may") insert ("after service of the prescribed notice upon the landlord"); and in line 8, after ("land") insert—

("In a situation to be approved by the landlord, or failing such approval to be determined by the court.")

THE EARL OF LIMERICK moved to leave out from ("land") in line 13 to ("acres") in line 20, and insert—

("Any portion of any holding so let does not exceed half an acre in each case, and that the total number of such lettings of portions of a holding does not exceed one for every twenty-five acres of tillage land contained in the holding.")

His desire was to put the Bill back in its original shape as it passed through the Committee in "another place." As it now stood, it would be possible for anyone with a holding of four or five acres to establish another cottage; but as it passed the Committee of the other House, the holding must be of 25 acres, or another cottage could not be erected. He desired to restore these words, and to say that a cottage should only be erected where there were 25 acres of arable land in the holding. As the Bill stood, anyone could erect a cottage upon a holding up to 25 acres. If it consisted of 26 acres, two cottages might be erected, and if the holding had 51 acres three cottages might be established, and so on in proportion. It would be a dangerous thing to increase to such an extent the power of building cottages, and he would only allow one when the holding was actually one of 25 acres of arable land, because unless that were the limit constant occupation for the inmates could not be found.

THE MARQUESS OF WATERFORD considered the Amendment to be a reasonable one, and hoped it would be accepted by the Government.

LORD CARLINGFORD said, there seemed to be a sufficient reason why a hard-and-fast line should not be drawn at 25 acres, because a cottage might be required when the holding was only 24½ acres. It was, therefore, thought better not to draw an absolute line, but to leave power to put up a cottage, although the holding might be below 25 acres, of course under the sanction of the Court, without which in no case could it be

done. There was also this positive condition—that the cottage must be required for the purposes of the holding.

THE EARL OF DONOUGHMORE said, that if a man held 24½ acres of arable land upon his holding, he could easily till half an acre more to bring it up to the 25 acres which would entitle him to ask for another cottage. He supported the Amendment, because it was certain that an extra cottage was not required on the small holdings. This was really the sort of sub-division that they wanted to guard against.

LORD STANLEY OF ALDERLEY supported the Amendment.

THE EARL OF KIMBERLEY pointed out that their object was to encourage the building of cottages where they were needed. He did not think the tenants would desire to build much under the restrictions of the clause. If there were no such restrictions, no doubt they could build and sub-let; but the Courts would have to decide whether the proposal was necessary and reasonable or not. He failed to see any danger, because the clause was fully guarded.

THE EARL OF LIMERICK said, the great danger would arise in the case of smaller farms. The tenant would put up a house for the use of some member of his family, calling him a labourer.

LORD CARLINGFORD said, in that case it would not be necessary for the holding.

Amendment agreed to ; words substituted accordingly.

Clause, as amended, agreed to.

Clause 17 (Power of court, on application for the determination of a judicial rent, to impose conditions as to labourers' cottages).

LORD STANLEY OF ALDERLEY moved, in page 14, line 26, to leave out ("may, if it thinks fit"), and insert ("shall.") The object of the Amendment was to make the action of the Court compulsory instead of optional.

LORD CARLINGFORD said, it was impossible to accept the Amendment, as it would bind the Court down by imperative rules.

Amendment negatived.

LORD STANLEY OF ALDERLEY, in moving, as an Amendment, at end of clause, to add—

"Provided that such rent shall not be more than five shillings in excess of the amount due upon the holding in proportion to the rent of the entire holding paid by the tenant to the landlord, exclusive of the cost of any buildings erected by the tenant for the sub-tenant."

said, that whilst the tenants were paying 10s. or 15s. to the landlord for the land of these holdings, yet the sub-tenants were frequently paying to them as much as £8, and even £12. The worst dwellings in Ireland were those which were sub-let by farmers; many of them were not fit for habitation, yet the landlords got the discredit of them. The Lord Privy Seal would hardly repeat what had been said in "another place," that labourers had no votes; and the accepting of this Proviso would do a great deal towards relieving the labourers, and avoiding more time being taken up next Session on their behalf through the neglect of them by the Government on the present occasion.

LORD CARLINGFORD opposed the Amendment.

Amendment negatived.

Clause agreed to.

Clause 18 (Rules as to determination of tenancy).

The EARL OF DUNRAVEN moved, in page 15, sub-section (3), line 22, to leave out ("present,") and insert ("future.") As the sub-section stood, it read as follows:—

"Where a present tenancy in a holding is purchased by the landlord from the tenant in exercise of his right of pre-emption under this Act, and not on the application or by the wish of the tenant, or as a bidder in the open market, then if the landlord within fifteen years from the passing of this Act re-lets the same holding to another tenant, the same shall be subject from and after the time when it has been so re-let, to all the provisions of this Act, which are applicable to present tenancies."

LORD CARLINGFORD said, he could not accept the Amendment, as it would defeat the Government's purpose in making a period of 15 years' rest after the Bill passed. The object of the clause was to guard against the risk of the powers of the landlord being exercised to a large extent during the first years of the operation of the Act for the purpose of converting present into future tenancies on a larger scale, by which the policy of the measure might be thwarted, and its effect impaired.

THE MARQUESS OF LANSDOWNE supported the Amendment, which was

Lord Stanley of Alderley

similar to one of which he had himself given Notice, and said he could not see the force of the objection taken to it on behalf of the Government.

EARL CAIRNS was understood to say that it seemed to be presumed that the landlord's right of pre-emption could always be exercised against the will of the tenant. That was not necessarily so. The effect of the clause would be that if the landlord exercised his right of pre-emption he must retain the land; otherwise, if he re-let it within 15 years he would create a perpetuity tenant.

THE DUKE OF ARGYLL said, he could not let that opportunity pass without entering his solemn protest against the policy of the clause. He believed it to be wholly wrong, and calculated to prove ruinous to the peace of Ireland. The clause was proposed on the principle of "anything for a quiet life." It was proposed in order to prevent the landlord from doing with his property for a period of 15 years that which it was admitted he might do with perfect reason, and with advantage to the community—and all because it would be displeasing to the Land League. That was the long and the short of this policy. It was a thoroughly false policy with regard to Ireland; and it was tending more and more to the demoralization of public opinion, by giving to such a course the sanction of the Government. Let the Government give to the tenants of Ireland everything it thought was just, and take from the landlords every power it thought they had abused. Let them do what they liked in that matter; but, when they had given a residuum of power to the landlord, leave them to the free exercise of that. Do not let them teach the tenantry of Ireland that nothing was to be done for 15 years, lest they should agitate against it. The policy of the Government was entirely wrong, and might produce serious delay to the progress of the agriculture of the country; for, if a landlord wished to consolidate farms, he might not be able to keep them on his hands for 15 years. The sub-section was a piece of pure cowardice, made out of pure fear of the Land League, and if there were a division he should vote against it.

THE EARL OF KIMBERLEY said, the noble Duke (the Duke of Argyll) had taken advantage of a particularly small matter to denounce the Bill.

THE DUKE OF ARGYLL: No; the clause.

THE EARL OF KIMBERLEY: My noble Friend takes advantage of the opportunity afforded by a small clause of the Bill to say that our policy is dictated by cowardice.

THE DUKE OF ARGYLL: Only this clause.

THE EARL OF KIMBERLEY: No, no, no!

THE DUKE OF ARGYLL: Yes, yes, yes! It arose from his noble Friend not understanding the nature of the clause.

THE EARL OF KIMBERLEY: The object in the sub-section was not to prevent agitation caused by the tenants, but to prevent agitation caused by the landlords. The Government were afraid that the landlords might take advantage of this power of pre-emption, to adopt the course of destroying present tenancies and convert them into future tenancies on a large scale. If that were done by landlords, it would produce an agitation that it was expedient to prevent; and they, therefore, thought it right to insert the provision in the Bill. As to the statement that the Government were actuated by any fear of the Land League, there was not the slightest ground for it.

THE EARL OF LONGFORD: There is no danger of an agitation being commenced by the landlords. I hope the Amendment will be pressed to a division.

LORD EMLY said, he hoped the Government would re-consider their decision on this matter. There would be comparatively few landlords who would be able to exercise this right of pre-emption, so that the Government were afraid of an imaginary difficulty.

THE MARQUESS OF SALISBURY said, the cowardice imputed to the Government was fear of responsibility; for it was not certain that, 15 years hence, the class who raised the agitation now would not raise an agitation then. It was, therefore, simply deferring it to a time when other persons would have to cope with it; because, even if a Liberal Government were in power, it in all probability would not be constituted as now, or hold the same views. He could not help thinking there was some other hidden policy, which the Government would not confess, that was at the bottom of these mysterious provisions. If so,

he would exhort them to unbosom themselves, and state the nature of the evil that might follow landlords buying up the tenancies on their estates. What agitation could the landlord produce by buying up his own property, and letting it to somebody else? If they anticipated that such an agitation would be produced, and that it would be dangerous to the peace of Ireland, the Government had better put a bold face on it and abolish landlords altogether. The subject was of great importance, and there was no ground for believing that future tenancies would be an evil to Ireland 15 years hence.

LORD CARLINGFORD said, they were not going to waste the time of the Committee by entering into any disquisitions as to their motives and moral conduct, as the noble Marquess seemed to wish. The noble Marquess was, happily; not Grand Inquisitor; but if he were, and if he put the Members of the Government on the rack, they could discover no other motives for their conduct than those they had already avowed to the Committee.

LORD DENMAN thought the clause contained a most extraordinary provision, and supported the Amendment.

Amendment agreed to; word substituted accordingly.

Clause, as amended, agreed to.

Clause 19 (Provision as to existing leases).

THE MARQUESS OF LANSDOWNE, in rising to move, as an Amendment, to leave out the following words:—

“Provided that at the expiration of such existing leases the lessees shall be deemed to be tenants of present ordinary tenancies, from year to year, at the rents and subject to the conditions of their leases respectively, so far as such conditions are applicable to tenancies from year to year,”

said, that, in moving the Amendment, he certainly did not wish to go behind the principle to which their Lordships were committed by the second reading of the Bill. When they agreed to the second reading, they accepted the principle that contract was not in future to regulate the relations of landlord and tenant in Ireland; but he (the Marquess of Lansdowne) ventured to submit to the Committee that there was a point beyond which they ought not to go or carry this crusade against contract. The

words he proposed to omit did go beyond that point. Those words, it must be remembered, formed no part of the original Bill as introduced by the Government. The Prime Minister said that it was not his intention to make what he called a "holocaust of freedom of contract," and he added that they thought it no part of their duty to interfere with current leases. But some time after, for some reason or other not yet explained, Her Majesty's Government changed their minds, and they changed their minds with a vengeance, for they proposed that tenants, at the end of existing leases, should be ordinary tenants from year to year. What was the effect of that proposal? That landlord and tenant make a contract—a perfectly fair and honourable engagement on both sides; the landlord parts with his holding for the term of years at a reasonable rent; the tenant has submitted to the covenants, one being that at the expiration of the lease the landlord should resume the holding. But what the Proviso of the Government proposed was what neither party ever contemplated, for the clause imported into the contract the term, that, over and above the 31 years or longer period of the lease, the tenant, at the end of that period, should have another lease for 15 years, renewable for ever, and not only that, but that he should have the further privilege of going to the Court, and getting his rent revised, and possibly reduced. Suppose during the 31 years of the lease the value of agricultural produce had become affected by American competition or otherwise, the tenant might go into Court, in spite of his lease, and have his rent revised, and the Court would compel the landlord to continue him in possession at the reduced rent, though the landlord might have other uses to which he would wish to put his land. His Amendment proposed to restore the Bill to its original shape. He wished particularly to observe that there were two descriptions of leases which would not be touched by it—one, the Ulster leases, with regard to which particular precautions had been taken in another part of the clause; and the other, the leases imposed by the landlord on the tenant under threat of eviction—leases considered by the Court unreasonable and unfair. The only leases touched by his Amend-

ment were *bond fide* leases, which there was no reason to override. For years past it had been the reproach of the Irish landlords that they did not give security to their tenants. From the time of the Devon Commission that complaint had been made. The Devon Commissioners warned the landlords of the impolicy of refusing to the tenants the security of properly framed leases; and now those landlords who had accepted that warning and had granted these leases were to find that the State interposed in order to tear them up. And, just as the policy of the Devon Commissioners had been in favour of leases, so the policy of the Act of 1870 had been in favour of them. At the time of the passing of that Act, 11 years ago, it was enacted that the landlord, by granting a 31 years' lease, might exclude the tenant from compensation under the other clauses of the Bill; and now what Her Majesty's Government proposed was to override leases entered into under those circumstances. A statement was made at that time by Sir Roundell Palmer, which he would like to read. Sir Roundell Palmer, on April 4, 1870, said—

"Surely the necessity of interfering with existing contracts cannot possibly apply to holdings above a certain value, nor to *bond fide* leases of definite duration. As to those leases, it has been truly said that the men who take them understand perfectly well that they take them for a definite term, and that they are to give up their holdings at the end of that term; and they have no right afterwards to say they have made arrangements, or done anything whatever, except in view of that well-understood part of their contract. I speak of *bond fide* leases, because I have not forgotten what was said the other night by my right hon. Friend at the head of the Government, and which deserves our attention—namely, that if you except everything that looks like a lease, you might have a nominal lease made for a year or so, merely to get out of the operation of the Bill. Now, I think you might, perhaps, take the limit of seven years, though I would not bind myself to that. Seven years would, at all events, be a *bond fide* and not a merely colourable lease; and I do not see why, if a farmer enters into a lease for seven years, or for any longer period, you are to alter his contract, and to say that after the expiration of the seven years it shall be continued as a lease from year to year, which is a totally different thing."—[3 *Hansard*, cc. 1213-14.]

But the Government were now proposing that the tenant should be continued as a tenant from year to year at the end of a lease, not of seven, but of 31 years,

or a longer term. There was only one argument in favour of that proposal, and it was rather a strange one—namely, that in Ireland a lease was not a lease, but an agreement between the parties fixing the rent for a particular period. That was not a description which could be applied to all Ireland. But if, in some parts of Ireland, leases were habitually granted on that understanding, he would suggest that those cases should be provided for by special and exceptional legislation. They had been told that Her Majesty's Government looked forward to a time when they should revert to freedom of contract, and when a wholesomer state of things than the Bill introduced would prevail. But how were they to get into that wholesomer state of things if, one after another, they closed up every avenue to freedom of contract? They were teaching a most mischievous lesson to the people of Ireland, when they were told that men who were perfectly able to enter into contracts, and who had done so at the express invitation of the Legislature, were to have the contracts they had entered into torn up by the State. This provision would strike a great blow at public confidence if it was necessary to put an end to free contract in Ireland. Let them do so; but let them, at least, bury it decently, and not inflict upon its remains the wanton affront involved in this most mischievous clause. He begged, in conclusion, to move the Amendment of which he had given Notice.

Moved, In page 16, line 9, to leave out from ("Provided that") to ("on") in line 14.—(*The Marquess of Lansdowne.*)

LORD GREVILLE said, that the provision which the noble Marquess (the Marquess of Lansdowne) proposed to amend did not interfere with any lease whatever; but only said when the lease came to an end that the tenant should be in the same position as other tenants under the Bill. The Amendment would affect tenants in the same position as their neighbours. From his own experience, he could say that what was in the mind of the Irish tenant when he took a lease was, that during a particular period he was to pay a certain rent. It would be a grievance and an encouragement to agitation to exclude so considerable a class as the leaseholders from the benefits of the Bill.

EARL STANHOPE said, a lease was either a contract entered into voluntarily between two parties, or it was not. His own experience as the owner of a small Irish property was that the tenants, as a rule, were well able to take care of themselves, and would never take a lease without informing themselves fully of the circumstances. If a lease was to be no longer a lease, as proposed under this clause, then this principle might be further extended, and apply to house property in London. It would be very agreeable to many householders in their Lordships' House to be told that at the expiration of their leases they might continue on as yearly tenants, paying the same rent. He thought the Amendment most reasonable, and had heard no argument whatever against it; and he should, therefore, certainly support it.

LORD CARLINGFORD said, the noble Marquess who had moved the Amendment (the Marquess of Lansdowne) had fixed his eyes and thoughts simply on the legal aspects of the case; and it did not require much ingenuity or the abilities of his noble Friend to support the Amendment on such purely legal grounds. What would have become of Ireland if it had been the habit of landlords to act on their right to get rid of their yearly tenants upon six months' notices; or if they had made use of the legal power they possessed before 1870, and had treated their tenants' improvements as their own? It had only been because these legal conditions had not been observed, but on the contrary, habitually neglected and left in abeyance, that Ireland had got on at all for generations past. The Bill, in that respect, attempted to deal, not with the mere legal, but with the real conditions of tenure in Ireland, with conditions which were practically observed upon all the best and happiest estates in Ireland. Was the case of a lease to be absolutely distinguished from the treatment which the Bill applied to all other forms of tenure? No doubt, they were importing new terms into Irish tenure; but they thought they were doing so on sufficient grounds. Was there something so sacred and magical about a lease that that which they were doing in the case of minor tenancies was not to be thought of in the case of leases? The Government proposal was, that in the case of an occupying tenant who, after

having had a lease, possessed it no longer, the same protection should be extended to him as was given to other occupying tenants. If the Government did not make such a provision, a large class of occupying tenants would be excepted from the protection of the Bill, for they would be debarred from making use of the tribunal constituted for settling rent. Besides, it was just when a lease expired that the burning question of rent was most likely to arise, and that was a strong reason for not refusing protection to the leaseholders. He contended that it would not be wise to exclude those who had held leases from the benefit of the Bill. Whatever might be the strict legal effect of a lease in Ireland, in 99 cases out of 100, it was never intended that relations between the parties should end with the termination of the lease, but really that the parties should continue together upon much the same terms as before.

EARL FORTESQUE doubted whether the Government saw anything sacred in any contract, seeing that they were perpetually keeping the whole of the tenantry of Ireland in swaddling clothes. The Government seemed to be quite uneasy at the notion that this tribunal would not have enough to do, and thought they should have some additional work given them for the satisfaction, they said, of both tenant and landlord. It appeared to him, however, that the leaseholders were able to guard their own interests without the intervention of the Court. And that, apparently, had been the original opinion of the Government also; for the present proposal, which it was now sought to amend, was not in the original draft of the Bill. It was not till some time after what was said to be the last of the 22 editions of the Bill before it was presented to Parliament that this unhappy afterthought of the Government appeared. It was suggested by a desire to conciliate the Land League, the leaders of which body had already told them plainly that the Bill would not satisfy them, and that they looked forward to obtaining "Ireland for the Irish," and to the ultimate ejection of all landlords.

LORD HOUGHTON thought that to place landlords and tenants who had been parties to leases under totally different conditions from other landlords and tenants would be contrary to the

whole spirit of the Bill. Besides, the measure would not prevent the renewal of leases. If the principle of freedom of contract was to be violated at all, the clause was one with which there was less reason to find fault on the grounds of political economy than any other in the Bill. It seemed to him that it rigidly upheld present contracts with regard to leases.

LORD CLONCOURRY pointed out that in the important district formerly known as the Pale estates were managed exclusively on the English principle. If the clause were passed as it stood, it would be impossible for any landlord to take possession of his own property in order to set an example which was so much needed of proper farming and good management. He, therefore, hoped the noble Marquess (the Marquess of Lansdowne) would press his Amendment to a division.

THE EARL OF DUNRAVEN sincerely hoped the Committee would not agree to the Amendment. He admitted that the rights of individuals were interfered with by the clause; but the whole of the Bill interfered with individual rights, and he could not see that there was any more hardship in this than in a great many other cases. The result of the Amendment would be that, with very few exceptions, all tenants holding under leases, at the expiration of the lease, would be outside the Bill altogether; and if the Bill were to give any satisfaction whatever, as they hoped it might, there was no doubt whatever that the Amendment proposed would give a great deal of dissatisfaction to a considerable number of the most intelligent men in the country, and he could not see why they should make those dissatisfied who would otherwise be ranged on the side of law and order. Their Lordships had already excepted from the provisions of the Bill estates managed on what was called the English system, although nobody seemed to be able to define what that meant. They had also excepted the case where landlords had bought up the tenant right, and now they were asked to make another exception. He confessed he could not understand why the noble Marquess opposite (the Marquess of Salisbury) opposed the Amendment to exclude from the operation of the Bill tenancies of over £100, and now sup-

ported the present one. If their Lordships desired to play into the hands of unscrupulous persons, who wished to carry on agitation, they could not do better than go on making these exceptions in the Bill.

LORD HARLECH thought that if anybody was more capable than another of taking care of himself it was the intelligent leaseholder, who formed the most intellectual body of the farmers of Ireland. Every encouragement had been given by the Act of 1870 to give leases, and now the House was asked to break those leases.

THE DUKE OF ARGYLL felt almost insuperable objections to the Legislature breaking contracts of the most formal character. The noble Lord the Lord Privy Seal had stated that tenants in Ireland took leases with no other object than to prevent an increment of rent during the continuance of the lease, and that they had no intention of going out at the expiration of the term. That, he believed, was true with regard to a large class of small tenants; but he would observe that there was nothing in the Amendment to prevent renewing the lease, and he (the Duke of Argyll) believed there was nothing in the Bill to prevent the landlord and tenant going into Court at the end of the lease. Though there might be many cases in which small farmers took their farms on lease as a safeguard against increment of rent, there were many cases in which farms were taken in Ireland under exactly the same circumstances as in England, and there were large farmers who had taken their farms on condition that they should either leave them at the end of the lease or retake them. He knew of a case in which a family let on lease a farm, which they regarded as their home, to go abroad for health, and when their health was restored they would come back to enter their home again at the end of the lease, the tenant having taken it on the full understanding that he must leave it at the end of the lease. But under this Act that lease would be broken, and the tenant could remain on the farm. He called that a great hardship. He did not know that he should have insuperable objections to give the Court power to renew all leases in cases where the tenants had reasonable expectations that they would be allowed to remain in pos-

session of the holdings; but to say that all leases indiscriminately should be broken was surely a most violent proposition. Some years ago he had been astonished at a proposal that was made that at the end of an Ulster lease the tenant right should survive; but now many noble Lords seemed to think that a tenant should have the enjoyment of the tenant right at the end of his lease, it having been his reasonable expectation that he would have it. Well, he did not know that he would have an insuperable objection to that; but he did most strongly object to the indiscriminate violation of leases proposed by the Government. It was no part of the Bill when it was introduced to the House of Commons, and he could not conceive why it should exist. He cordially supported the Amendment.

LORD EMLY suggested that the Government should except from the operation of the clause cases in which the landlord wished to resume the farm for his own occupation. He hoped, however, that the Government would not stultify themselves by adopting the Amendment.

EARL CAIRNS observed, that it was said that if they accepted the Amendment they would cause great dissatisfaction to the occupying tenants. But the question was, whether they ought to give cause for dissatisfaction to the rightful owner, or to the person who was the occupying tenant? It would be quite impossible to satisfy both the landlord and the tenant, one of whom could alone be the occupier of the farm. But who, he asked, would have the better right to its occupation? Surely the landlord to whom it belonged. In reference to the point, he had received a letter from a correspondent, showing how he had let a farm for a certain period with the intention of handing it over to his son at the end of the lease. With this in view, he had trained his son to agricultural pursuits; but now that the Land Bill had been introduced, he feared his object would be frustrated, for by its provisions the present lessee would, at the expiration of his term, become nominally a yearly tenant, but virtually a tenant for a minimum period of 15 years more.

THE EARL OF KIMBERLEY, in reply to the statement of the noble Duke (the Duke of Argyll) that a man at the end

of his lease could go to the Court, said, that only a present tenant could go to the Court under the Bill.

THE MARQUESS OF SALISBURY was of opinion that their Lordships might safely accept the Amendment, and reject the proposals of the Government, for the right hon. Gentleman at the head of the Government had said, in the House of Commons, that he could not exclude from his consideration that this question did not rest with the Commons alone, but that there was another House which was constitutionally entitled to give its independent vote on the provisions of the Bill; and he felt that, if having brought it in as one measure, the Commons sent it up to the Lords as another, most justly might the Lords say—"We are dealing with a set of men who do not know their own minds, and we refuse to bow to their authority."

On question, "That the words proposed to be left out stand part of the clause?" Their Lordships *divided*:—Contents 59; Not-Contents 142: Majority 83.

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Resolved in the negative.

EARL CAIRNS, in moving the omission, in page 16, of lines 24 to 36 inclusive, which provided for the cancellation of leases forced upon the tenants since the Act of 1870 by threat of eviction or undue influence on the part of the landlord, said, he thought the insertion of those words was one of the instances in which the Government did not seem to know their own minds, for it was a change that was outside the original Bill, and might be well described as an excrescence on it. What the clause proposed to do was to give a Court of three Judges power to cancel all leases made since 1870. In law there was no power in a Court so great and transcendent as that of cancelling contracts executed between the parties. It was a power exercised in but rare cases, always with the greatest caution, and on certain well-known principles. He should like to know what were the facts on which a clause of this kind was justified. That part of the clause which referred to terms of lease "unreasonable or unfair to the tenant, having regard to the provisions of the Act of 1870," he did not understand. Nor could he understand the effect of the words "undue influence," which seemed to be used in a sense different from that which was usually attached to them in law; and he should, therefore, like to hear the Government inform them of the facts which justified the clause, which seemed to suppose that the leases which had been granted since 1870 contained unreasonable terms, and that they were obtained from the tenant by undue influence.

What were the facts which justified a statement of that kind? He himself was not aware of any. He looked to the clause to see what were the grounds on which executed leases should be cancelled. He found that the Court was to be satisfied that the terms of the lease were unreasonable or unfair to the tenant, having regard to the provisions of the Act of 1870. He looked to the Act of 1870, and he found that it authorized certain leases to be made on certain terms. If those terms were complied with the leases were valid. If they were not complied with the leases were invalid, and nothing more need be said about them. They did not require to be put aside. Therefore, he hoped the Government would tell them what was the meaning of the terms he had referred to—"that the lease contains terms which are unreasonable," &c. The second term was one well known to the law; but what was the meaning of a lease entered into under threat of eviction? The Act said that the landlord might evict on paying the cost of eviction; therefore he had the right to evict; and he might threaten to do that which he had the legal right to do. He could not understand that there was any legal or moral wrong to be redressed in a lease made under this Act. If a Court cancelled an ordinary lease, it would say that the tenant must restore possession of the land; but in this case the tenant was to continue to occupy the land for a term of 15 years, which might be indefinitely extended. The Prime Minister, in 1870, said that the Act of that year was framed upon the principle that from the moment it passed every Irishman must be absolutely responsible for every contract into which he entered. Now, he was told that if he had taken a lease at a certain rent the Court would cancel it, and the same Court would give him continuity or perpetuity of tenure at a revised rent. That was a proposition beyond anything ever presented to Parliament. What facts were there to justify such legislation? What proof was there that the landlords had in one or in 100 instances been guilty of conduct which required such legislation—legislation which was absolutely without precedent? If there were no such facts, as he believed there were none, he hoped the Committee would

not sanction the proposal of the Government.

Moved, In page 16, to leave out lines 24 to 36.—(*The Earl Cairns*.)

LORD CARLINGFORD said, the power to which the noble and learned Earl (Earl Cairns) had objected was a temporary power proposed to be given for six months to the Land Commission, on the belief of the Government that there had been extraordinary and exceptional transactions of the kind referred to during the last 10 years in Ireland. Unless the Government were greatly mistaken, there was reason to believe that in certain cases leases, such as they had no conception of in this country, had been forced upon tenants by the threat of eviction—leases violating the whole spirit of the Land Act, and absolutely contrary to the interests and wishes of the tenants. That was the foundation of the portion of the clause which it was proposed to omit. The lease provided by the Land Act of 1870 as an alternative for the other provisions of the Act was to be a lease of 31 years' duration, and it was to leave to the tenant, at the end of the term, a claim for permanent improvements such as buildings and reclamations; but the leases which had been forced on tenants had compelled them to abandon that right to the value of their improvements which had been secured to them. It must be remembered that the conditions which alone would make the sub-section applicable were, that it should be proved to the satisfaction of the Court that the tenant had accepted a lease of the character he had described, and that he had been compelled and coerced into accepting it under the threat of eviction; and it was on the supposition of such facts being proved to the Court that it had been decided to give to the Government this exceptional power. Undoubtedly, there was a large body of evidence to the effect that this kind of thing had been going on in Ireland, and it was the kind of evidence on which there was reason to rely. ["Oh, oh!"] He said that advisedly. The evidence of a man bringing forward his own grievance must be received with suspicion; but there was a large body of evidence before the Land Commissioners given by men of experience who knew what had been going on in their own neighbourhoods. To say that no atten-

Earl Cairns

tion whatever should be paid to such evidence seemed to him absurd. He would remind the noble Duke opposite (the Duke of Richmond) that there were produced before the Commission over which the noble Duke had himself presided five separate leases which had been forced upon one tenant, and in each case with an increase of rent, the leases being of terms of seven, two, one, six, and 21 years, and the last one being after the passing of the Act of 1870. These leases could not be called free contracts between man and man, because they were forced on the tenant by threat of eviction. A witness before the Bessborough Commission described the leases enforced on his brother tenants. The leases, he said, were compulsory; there was a memorandum sent by the agent, stating that if they did not accept the leases their rents would be raised; the rents were raised, at the same time the landlord claimed all existing improvements, and, at the expiration of the lease, they were denied the right given by the Act of 1870 to claim for improvements made during their term. These facts would prove that this provision had not been wantonly proposed by the Government. The cases they wished to interfere with were those which were totally contrary to every notion of anything like free contract; indeed, to call them so was a farce; and he contended that they justified, for a limited time, the intervention of the Court. The Government would abide by the proposal which they had made.

THE MARQUESS OF LANSDOWNE said, there were great objections to this part of the clause. He regretted that the proposal should have been made; but as it involved a serious charge against the landlords, and as the matter was one to which the noble Lord the Lord Privy Seal attached some importance, he thought it might be questionable prudence on the part of the landlords if they receded from the challenge and refused to submit these leases to the scrutiny of the Court. In order that the landlords might not have even the appearance of refusing to submit to the sort of investigation the clause contemplated, he should not vote against the Government.

THE EARL OF DUNRAVEN said, his impression was that this provision of the clause would be found exceedingly bene-

ficial to the landlords. He had about 20 tenants holding under leases made since 1870, and all complained that the leases had been forced on them. There was not the smallest ground for that complaint; and, for his own part, he welcomed the proposed investigation. But some cases might have occurred which were objectionable to the Act of 1870. He would not vote for the Amendment.

THE MARQUESS OF SALISBURY said, that the generous and chivalrous spirit in which the two noble Lords who had last spoken proposed to submit to the judgment of the Court was conclusive as far as they were concerned; but there were other landlords in Ireland who might not be so ready to submit to a trial without the faintest trace of evidence being adduced to establish a *prima facie* case against them. For the smallest accusation against the meanest person, some *prima facie* evidence sufficient to satisfy a Grand Jury must be brought forward, and the documents upon which the accusation rested must be produced. But in both these respects Her Majesty's Government were wanting in making out their case. The noble Lord the Lord Privy Seal had said that there was conclusive evidence on the subject in many leases. Well, he would like to have some of the leases of which mention had been made, with the terms therein described as unreasonable and unfair, produced. The noble Lord mentioned a case brought before the Richmond Commission of a 21 years' lease made since the Act of 1870, in which very hard terms were imposed; but the only proof given was that the rent was raised. Last night the House had heard nothing but praises of those who proposed to raise their rents.

LORD CARLINGFORD said, the rent had been raised five times over within a few years in the case he had mentioned.

THE MARQUESS OF SALISBURY said, it must be remembered that the phrase "threat of eviction" was a very hollow one. It constantly happened that a man said to a tenant—"I wish that this holding should be held under lease. If you are willing to take a lease of years, I shall be delighted to go on with you. But if you are not willing, somebody else will be." It was the ordinary right of the landlord to decide the kind of tenure under which the land should

be held. If the Government intended to attach to this novel and totally unheard of condition to leases contracted after 1870, they ought not to have included within that Act provisions that greatly encouraged the making of leases; they ought to have warned the landlords of the danger they ran in contracting instruments hitherto regarded as sacred by the law. This was only another instance of utter disregard of all sanctity of contract, and of all rights belonging to the landlord, and of how the Government rushed in directly anybody suggested that it was the means of satisfying the tenant class in Ireland.

THE LORD CHANCELLOR, in objecting to the Amendment, said, it appeared to him that the noble Marquess (the Marquess of Salisbury) had forgotten that in the evidence before the Bessborough Commission it had been stated that, in some parts of the South of Ireland, considerable pressure had been put upon tenants to contract themselves out of the Act of 1870, in a manner which could not, without inquiry, be presumed to have been, in all cases, fair and reasonable. That being so, he should have thought that his noble and learned Friend (Earl Cairns) and the noble Marquess would have said that it was not within the spirit or intention of the Act of 1870 to encourage that class of transactions. There certainly was evidence enough to justify an inquiry whether these things had occurred or not. The noble Marquess (the Marquess of Lansdowne) and the noble Earl (the Earl of Dunraven), on whose estates it was most improbable that anything of the kind had taken place, said that it was for the public interest that, if there were such transactions, the Court should inquire into and decide against them. If the Court was of opinion that there was no improper pressure the leases would remain; if the Court should decide otherwise, he owned it would not be in accordance with his ideas of equity that the leases should remain. But the worst thing that could happen was that that House should say there should be no such inquiry.

THE DUKE OF ARGYLL said, that after the speech of the noble and learned Lord (the Lord Chancellor), who had declared that there was a *prima facie* case showing that tenants, especially small ones, had been coerced, he should be unwilling to refuse to give this juris-

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diction to the Court. He felt, however, that the allegations in 99 cases out of 100 were absolutely false. Yesterday he met an agent well-known in the North and South of Ireland, and he asked him whether such cases had occurred. The agent said that he knew of none himself, but he had heard of one. He (the Duke of Argyll) believed the result of an investigation would come to that—a result not unfavourable to the landlords of Ireland, and he hoped the House would not refuse to grant the jurisdiction.

EARL CAIRNS said, that the question was whether the House ought to sanction legislation of an absolutely novel character. Nothing like it, or approaching it, had hitherto been known; and a most dangerous precedent, and one that would probably be often used in the future, would be created if the clause were allowed to pass without amendment. The noble and learned Lord (the Lord Chancellor) seemed to be aware of that, and most ingeniously he glided aside and took up a new position. The noble and learned Lord thought, having looked at the evidence, there was a case for inquiry. Well, let there be inquiry, and then after inquiry they would see what legislation ought to be made. But do not let them legislate first, and then make the inquiry afterwards.

LORD TALBOT DE MALAHIDE supported the argument of the noble and learned Earl (Earl Cairns). The policy of the Government might be described in two words, as "Jedburgh justice," or execute first and try afterwards. The proposal embodied in the latter portion of the clause was manifestly unjust, and he hoped that it would be rejected.

VISCOUNT POWERSCOURT supported the clause.

LORD DUNSANY objected to legislating first and inquiring afterwards.

THE DUKE OF MARLBOROUGH considered that the evidence taken before the Bessborough Commission was of an extraordinary nature, and was given principally by tenant farmers. As that evidence would be brought before the Commissioners in consequence of its character, he ventured to say it could not be safely relied upon as enabling them to arrive at proper decisions.

THE LORD CHANCELLOR remarked that the evidence to which he

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referred did not come from tenant farmers, but from landowners, and land agents, and other experts.

On question, "That the words proposed to be left out stand part of the clause?" Their Lordships *divided*:—Contents 90; Not-Contents 150: Majority 60.

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Resolved in the negative.

Clause, as amended, *agreed to.*

Clauses 20 to 22, inclusive, *agreed to.*

Clause 23 (Purchase of estates by commission and resale in parcels to tenants).

LORD EMLY, in moving the omission of the condition that, for the purposes of the section, a competent number of tenants should mean a body of tenants who were not less in number than three-fourths of the whole number of tenants on the estate, said, he was sorry that Her Majesty's Government did not attach to these portions of the Bill the importance they deserved, for, in his opinion, there could be no more real peace and contentment in Ireland until the basis of property was extended by largely increasing the number of proprietors. With that end in view it was necessary to pass this Amendment.

Moved, In page 19, line 12, to leave out from ("tenants,") to ("who") in line 13.—(*The Lord Emlý.*)

LORD CARLINGFORD said, he could assure his noble Friend that the Government attached the greatest importance to this part of the measure; but, at the same time, they did not think it would be prudent to relax the condition contained in the words which it was now proposed to omit. The effect of leaving out that condition would be that it would be possible for two large tenants paying two-thirds of the whole rent of the estate to settle the question of the purchase. The result would be that the residuum of the estate occupied by the small tenants, who were unable or

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unwilling to pay, would be thrown into the hands of the Commissioners. The Government, therefore, thought it would be imprudent to accede to the Amendment.

THE MARQUESS OF LANSDOWNE said, his noble Friend (Lord Emly) did not wish to saddle the Land Commission with the residuum of the small occupiers; he only wished to leave the hands of the Commission a little less closely tied than they were at present by the terms of the Bill. It was perfectly fair to limit the responsibility of the Commission by enacting that that responsibility should not extend beyond two-thirds of the whole purchase money; but a numerical limit, which prevented the sale taking place unless three-fourths of the tenants were willing to become purchasers, was a needless restriction of the Commissioners' powers.

VISCOUNT MONCK thought it necessary that a certain defined majority of the tenants ought to be secured before an estate was offered for sale.

THE MARQUESS OF SALISBURY hoped the Government would accept the Amendment.

On question, "That the words proposed to be left out stand part of the clause?" Their Lordships *divided*:—Contents 51; Not-Contents 206: Majority 155.

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fidence in the Commission which they had appointed, they might leave it to them to be satisfied of the expediency of purchasing the estate.

LORD CARLINGFORD, in reply, said, the clause was necessary to the Bill, it being a Treasury clause, and the Government could not give it up.

LORD GREVILLE then moved the omission of the 1st sub-section, which provides that—

“The Land Commission, before buying any estate, shall reasonably satisfy themselves that a resale can be effected without loss, and that the purchasers will be in a position to work their holdings profitably.”

The noble Lord said he did it on the ground that a discretion should be left to the Court in these matters, and that the Court, already overburdened with work, if further encumbered with specific directions, would probably come to a dead-lock.

Moved, In page 25, line 14, to leave out from (“The”) to (“profitably,”) in line 17.—(*The Lord Greville.*)

VISCOUNT MONCK said, that the work before the Commissioners seemed to him to be appalling. He was afraid that the Commissioners would be so flooded with work that the whole thing would fall through. A little more might be left to their discretion without binding them down by so many conditions as existed in the clause. He would advise their Lordships to accept the Amendment of his noble Friend.

THE MARQUESS OF SALISBURY hoped the Government would not put the Committee to the inconvenience of again parading through the heated Division Lobbies, if it could be avoided.

THE EARL OF KIMBERLEY said, it would be unpardonable to ask the Committee to take another division; but he had felt it his duty to take the last division upon this matter, which involved the expenditure of money. He should regret that the words “and that the purchasers will be in a position to work their holdings profitably” should be omitted, seeing that, in this case, it was the duty of the Government to consider the importance of looking to the interests of the public Treasury. It was only natural that the landlords should wish to make the terms and conditions as easy for themselves as possible. The clause gave

Resolved in the negative.

Clause, as amended, *agreed to.*

Clauses 24 to 30, inclusive, *agreed to.*

Clause 31 (Proceedings of Commission).

LORD GREVILLE asked if the 1st sub-section could not be given up. Surely, if their Lordships had any con-

simple directions for the protection of the public purse. The Land Commissioners were to be reasonably satisfied that the sales could be effected without loss.

THE MARQUESS OF SALISBURY protested against the interpretation that the landlords wished to get rid of their estates at the most advantageous terms. They simply wished to give every facility possible to that policy of creating small proprietors in Ireland which would have beneficial results.

Amendment *agreed to*; sub-section *struck out* accordingly.

On the Motion of The Earl CAIRNS, sub-section (2.) *struck out* of the clause.

Clause, as amended, *agreed to*.

Clause 32 (Transfer of purchase powers of Board of Works to Land Commission).

On the Motion of The LORD PRIVY SEAL, the following Amendments made:—In page 26, line 13, after ("Act,") insert ("and subject to the provision of this Act;") and in line 14, leave out ("Act,") and insert (Acts").

Clause, as amended, *agreed to*

Clause 33 *agreed to*.

Clause 34 (Court to mean civil bill court).

THE EARL OF ROSSE moved, in page 27, line 24, after ("accordingly,") to insert—

("Where the judicial rent in respect of any holding is fixed by the court or the Land Commission, the court or Land Commission shall cause an entry of the amount of such judicial rent to be made in a book to be kept for such purpose in the prescribed manner, and in every case in which the amount of the judicial rent so fixed shall be higher or lower than the rent theretofore payable, the Land Commission shall add to such entry the circumstances and reasons in and for which such judicial rent was fixed at such amount, and in every case the court or the Land Commission shall give to the landlord and tenant a copy of such entry.")

THE LORD CHANCELLOR hoped the noble Earl would not press the Amendment. It would not work, and, in his opinion, the latter part of it would be in the highest degree undesirable, and would be calculated to raise much controversy.

Amendment *negatived*.

Clause *agreed to*.

Clauses 35 to 40, inclusive, *agreed to*.

The Earl of Kimberley

Clause 41 (Quorum of Commission).

EARL CAIRNS moved, in page 30, line 11, to leave out from ("by") to the end of the clause, and insert—

("All three Commissioners sitting together, and thereupon such case shall be heard by all three Commissioners sitting together, except in the case of the illness or unavoidable absence of any one Commissioner, when any such case may, with the consent of the parties, be heard by two Commissioners sitting together.")

The noble and learned Earl said, the clause informed them that all the powers of the Bill were to be exercised not only by the Commission, but by the Sub-Commissioners; but who the Sub-Commissioners were they did not know. The clause provided that where a person was dissatisfied with the judgment of a member of the Commission or of a Sub-Commissioner, the party might require the case to be re-heard by at least two Commissioners. He proposed to amend the clause so that it would require the case to be re-heard by all three Commissioners sitting together.

THE LORD CHANCELLOR opposed the Amendment.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clauses 42 and 43 *agreed to*.

Clause 44 (Powers of Commission).

EARL CAIRNS moved, in page 31, line 1, after ("may,") insert—

("In case it thinks fit to permit any party aggrieved by the decision of the Land Commission in any proceedings to appeal in respect of any matter arising in such proceedings to Her Majesty's Court of Appeal in Ireland.")

THE LORD CHANCELLOR remarked that the Land Court was constituted with special powers, involving a large discretion as to their exercise, and their decisions were more like those of arbitrators. The questions it dealt with were not, like legal questions, suitable for appeal. There was power given by the clause, as it stood, to send any questions of law which might arise to the Court of Appeal. He, therefore, objected to the Amendment.

THE MARQUESS OF SALISBURY said, it was essential to the character of arbitrators that they should be appointed by the parties concerned in the dispute. Therefore, it was impossible to deal with this as a question of arbitration. These Commissioners were appointed by Her

Majesty's Government, who were certainly not impartial as between the two sides in these questions. Judges appointed with such exceptional powers, and in such an exceptional manner, possessed all the attributes of arbitrators except that of impartiality. Their proceedings were very likely to be regarded with discontent and suspicion, and nothing was more calculated to remove that discontent and suspicion than the knowledge that there was a power of appeal to an admittedly impartial body. Therefore, he trusted Her Majesty's Government would allow the Amendment to pass.

THE LORD CHANCELLOR regretted the tone of the noble Marquess's remarks. To say that the Commission was not an impartial tribunal, because its Members were appointed by the Government, was a very rash assertion, and he utterly repudiated it. Men of all political Parties, when they accepted a judicial office, might be trusted to decide with judicial impartiality the cases brought before them.

THE MARQUESS OF SALISBURY said, he did not question the perfect honesty with which these gentlemen would address themselves to their task; but he could not forget the fact that the matters on which they were about to decide were matters which had been fiercely contested by rival schools of thought. The majority of the Commissioners were known to be under a prepossession in favour of one of those schools of thought, and they had been appointed by a Government whose prepossessions in regard to that particular controversy there could be no doubt about whatever, and who had announced the necessity of their appointing gentlemen who had such prepossessions. He asserted that it was not a tribunal of arbitration, and that the circumstances in which it had been appointed deprived it of that particular kind of trust which was reposed in arbitrators who were appointed by the two contending parties.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clauses 45 to 52, inclusive, *agreed to*, with Amendments.

Clause 53 (Arrears of rent, how dealt with).

LORD CLONCURREY moved, in page 34, to leave out from ("valued," in

line 28, to ("exceeding,") in line 30, both inclusive, and insert ("the rent payable in respect of which does not exceed.") The noble Lord said, it was well known that Griffith's valuation was no indication of the real value.

THE EARL OF KIMBERLEY agreed that Griffith's valuation was unsatisfactory; but it would be still more unsatisfactory and inconvenient to take the actual rent. The rent did not represent the value of the holding, as various drawbacks ought to be taken into consideration.

THE MARQUESS OF SALISBURY said, it was certain that whatever might be a bad test of valuation, Griffith's valuation was utterly detestable and untrustworthy.

THE LORD CHANCELLOR said, that might be true as a general proposition; but the question was what was desirable in this case.

LORD CLONCURREY withdrew the Amendment, as it was too late to discuss it, and said he should raise the question on the Report.

Amendment (by leave of the Committee) *withdrawn*.

Clause *agreed to*.

Clause 54 *agreed to*.

Clause 55 (Definitions).

On the Motion of The Lord INCHQUIN, Amendment made, in page 37, line 31, by leaving out from ("Act") to ("and,") in line 34.

Clause, as amended, *agreed to*.

Clause 56 *agreed to*.

Clause 57 (Saving in case of inability to make immediate application to court).

THE MARQUESS OF SALISBURY moved, in page 39, lines 22 to 30 inclusive, to leave out the following words:—

("Whenever, within six months after the passing of this Act, any action shall be pending or be brought against a tenant to recover a debt or damages before or after an application to fix a judicial rent, and shall be pending before such application is disposed of, the court before which such action is pending shall have power, upon such terms and conditions as the court may think fit, to stay the sale, under any writ of execution in such action, of the tenancy in respect of which such application is pending until the termination of the proceedings to fix such judicial rent.")

The noble Marquess said that if the words that he proposed to omit were now rejected, after a short discussion,

they would only die by a process similar to that by which they had received their birth. At the very end of the Report, in the House of Commons, Mr. Parnell suddenly moved this singular pendant to the clause, and obtained its acceptance by the Government. It was a most extraordinary clause. By its operation any tenant who had not paid his rent to his landlord, or his interest to his banker, or who had not satisfied his mortgagee, or who had not paid his tradesman, would be able to defer any action taken against him by a creditor by the simple process of applying for a judicial rent to be fixed. The respite thereby gained would not be small or unimportant. Besides the immorality of the proposal, it threw upon the Land Commissioners work far in excess even of the labours of Hercules, much less of those exalted natures, notwithstanding that they were already over-burdened with an amount of business which he (the Marquess of Salisbury) would say would result, as one of the first phenomena of the Bill, in a hopeless dead-lock. A further delay might be interposed if the debtor were ingenious enough to induce his friends also to apply for judicial rents to the already overworked Assistant Commissioner of the district. By that process there would speedily be a general suspension of payment of debts throughout Ireland. He believed in Eastern countries, on the occasion of any great public rejoicing, it was sometimes the habit of despotic Sovereigns to announce that all debts should be remitted. He did not know whether such an announcement was received with as much rejoicing amongst the creditors as amongst the debtors; but on the principle of satisfying everybody, considering that the debtors were much more numerous than the creditors, he could imagine that the Government could produce no more popular measure than one announcing to all debtors in Ireland that for six months or two years they need not pay their debts. He ventured, however, to claim justice for England. If these benefits were to be given to Ireland, he thought it would be found that a very large number of people on this side of St. George's Channel would be of opinion that this legislation ought not to be confined to Ireland, and would press Her Majesty's Government to take into consideration the condition of the oppressed

The Marquess of Salisbury

English debtors. He thought he had said enough to show that the Amendment, which was hastily brought in by Mr. Parnell, without Notice, at the last moment, and accepted by the Government, ought not to be allowed by their Lordships to form part of this measure.

LORD CARLINGFORD said, he did not think the Amendment of Mr. Parnell to the clause was quite so wonderful as the noble Marquess seemed to fancy. It was evidently constructed on the analogy of Clause 12, and the whole *raison d'être* of it was that it did follow that analogy. Clause 12 provided that when any proceedings of a landlord against a tenant were pending in a County Court, the Court should have power to stay those proceedings within certain limits in order to enable the tenant to have an opportunity of availing himself of this Bill. It was thought that when proceedings were pending in the Court above, the same opportunity should be given with certain restrictions to the tenant. The House would observe that the Court was empowered to impose such terms on the applicant as it might think fit. For instance, the Court would be perfectly at liberty to require the tenant to pay half his rent into Court or to give security for the payment of it. The Government, however, would have no objection to insert words of limitation like—"If the Court shall think the application reasonable." The landlord could not be injured by the clause; because, the moment he issued his writ, and lodged it in the hands of the sheriff, the land was at once bound against all other creditors.

THE LORD CHANCELLOR said, the provision was fenced round with so many safeguards that it could not very well act injuriously.

EARL CAIRNS supported the Amendment, on the ground that it would be a startling innovation on all previous legal arrangements to confer the extraordinary power which the Government had consented to insert in the clause at the last moment. He remembered only one precedent of this kind. It occurred two centuries ago, when the Exchequer was shut up, and the people could not be paid. The course was then taken of applying to the Court of Chancery for an injunction to prevent any creditor from recovering his debts from the bankers. Under the clause, an appli-

oation might be made not for the *bond fide* purpose of obtaining a judicial rent, but for the collateral purpose of preventing debtors from having their debts recovered from them. In the extreme hurry in which the clause was drawn, by a curious oversight, it seemed to have been overlooked that it did not relate to proceedings in bankruptcy. Consequently, a landlord might make a tenant a bankrupt, and then he would be perfectly free from the operation of this Bill.

Amendment agreed to.

Clause, as amended, agreed to.

Remaining clauses agreed to.

The Report of the amendments to be received on *Monday* next; and Standing Order No. XXXV. to be considered in order to its being dispensed with; and Bill to be *printed* as amended. (No 204.)

House adjourned at a quarter before
One o'clock A.M., to Monday
next, Four o'clock.

HOUSE OF COMMONS,

Friday, 5th August, 1881.

MINUTES.]—SUPPLY—considered in Committee
—ARMY ESTIMATES; CIVIL SERVICES, Class
III.—LAW AND JUSTICE.

Resolutions [August 4] reported.

PUBLIC BILLS—*Resolution in Committee*—East
Indian Railway (Redemption of Annuities) *.

First Reading—Patriotic Fund * [240].

Second Reading—National Debt * [236]; Indian
Loan of 1879 * [237].

Committee—Report—Conveyancing and Law of
Property (*re-comm.*) [231].

Committee—Report—Third Reading—Corrupt
Practices (Suspension of Elections) [238];
British Honduras (Court of Appeal) * [233],
and passed.

Report—Drainage (Ireland) Provisional Order *
[220]; Elementary Education Provisional
Order Confirmation (London) * [216].

QUESTIONS.

INDIA—MORTALITY, IN INDIAN GAOLS.

SIR GEORGE CAMPBELL asked the Secretary of State for India, Whether it is true, as stated in the "Times" of August 1, that the mortality in the gaols of the principal provinces of India has for two years averaged from 8 to 11

per cent. per annum; and, if so, whether, considering that after many years discussions and great expenditure the mortality is still so large, he will take steps to make very searching inquiry into the subject?

THE MARQUESS OF HARTINGTON: Sir, it is true that the mortality for the years 1878 and 1879 in the gaols of Bengal, Madras, Bombay, the Punjab, and Central Provinces ranged from 8 in Bengal to 12 per cent in the Punjab. My attention has already been directed, among other matters, to the mortality of Indian gaols. I have communicated by telegraph with the Viceroy, and am now awaiting a promised despatch on the subject. Meanwhile, I have requested a Committee of the Council of India to investigate the Returns on the subject which are already at the India Office.

INDIA—MADRAS CIVIL SERVICE.

MR. GIBSON asked the Secretary of State for India, Whether he has received a Copy of the reply of the Government of India to the communication of the Government of Madras of April 1880, forwarding the Memorials of certain members of the Madras Civil Service complaining of their present position and future prospects; and, if so, whether he will state the nature of the reply; but if no copy has been received, whether, with regard to the delay which has already taken place, and to prevent further delay, he will communicate with the Government of India by telegraph, so that the desired information may be furnished at an early date?

THE MARQUESS OF HARTINGTON: Sir, further Correspondence on the subject has been received. It appears that the Government of India are awaiting further information from the Madras Government asked for so long since as January, 1879, and on its receipt promised to lose no time in considering whether any, and, if so, what, measures should be adopted to meet the complaints preferred by certain members of the Madras Civil Service. I am afraid that decision will not be made known before the rising of the House.

VACCINATION ACT, 1867—AWARDS TO PUBLIC VACCINATORS.

MR. BURT asked the President of the Local Government Board, Whether, as the awards for vaccination (paid

under section 5 of 30 and 31 Vic c 84) are now very considerable in amount, and as they are given year after year to certain public vaccinators, though the Act prescribes that they shall be paid for "number and quality" only, he will state what is the officially recognised principle upon which these awards are given, in addition to the ordinary salaries of the public vaccinators?

MR. DODSON: Sir, the principle upon which these awards are given is that an Inspector of the Board should be satisfied in every case, by a careful personal examination of the arms of a considerable number of recently-vaccinated children, that the results are up to the prescribed standard of merit—namely, that the scars should cover a certain area and be thoroughly well marked. Moreover, the Inspector is required to see that the public vaccinator has been regular and punctual in his attendance at the vaccination station at the appointed times, and that the cases have been duly certified and registered. If it is found that these conditions have not been complied with, the award is withheld.

STATE OF IRELAND—JULY CELEBRATIONS, CO. DOWN.

LORD ARTHUR HILL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been drawn to a proclamation issued at Downpatrick, county Down, and dated 11th July 1881, prohibiting the erection "of any arch of whatever description across any street, lane, or road within the boundary of said borough;" whether such proclamation was issued consequent upon sworn information to the effect that a breach of the peace would probably ensue if such arch were erected; and, whether he will cause to be laid upon the Table of the House all Correspondence bearing upon the subject?

MR. W. E. FORSTER, in reply, said, he found that the magistrates of Downpatrick, acting on sworn informations, issued a proclamation on the 11th of July prohibiting the erection of arches of any description within the boundary of the town. The noble Lord was doubtless aware that the erection of arches in Downpatrick on the 15th of August last gave rise to rioting. He did not know that there was any Correspondence to produce.

Mr. Burt

STATE OF IRELAND—MURDER OF POLICE-CONSTABLE LINTON.

LORD ARTHUR HILL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether, in the case of Police Constable Linton, who was murdered in Church Street, Loughrea, county Galway, at about 10.20 p.m. on the 24th of last month, the authorities are prosecuting any inquiries as to the circumstances under which the deceased came by his death; and, whether any, and, if any, what, reward has been offered by the Government for the apprehension of the person by whom Police Constable Linton was murdered?

MR. W. E. FORSTER, in reply, said, that the authorities were making all possible inquiries into the case referred to, and that two persons had been arrested on sworn informations. As yet no reward had been offered; but, if it was found necessary, there would, of course, be no hesitation in offering a reward.

EDUCATION DEPARTMENT—INTERMEDIATE AND HIGHER EDUCATION (WALES)—REPORT OF THE COMMISSION.

MR. RATHBONE asked the Vice President of the Council, Whether he will take care that the Report of the Commission on Higher Education in Wales is laid upon the Table of the House before it separates, so that there may be no unnecessary delay in circulating so important a document?

MR. MUNDELLA: Sir, I am informed that this Report is on the eve of completion, and will be ready in time to be laid on the Table before the close of the Session.

SOUTH KENSINGTON MUSEUM—THE PLANE TREE.

MR. MITCHELL HENRY asked the First Commissioner of Works, Whether there is any intention to cut down the beautiful plane tree which stands opposite the old entrance to the South Kensington Museum?

MR. SHAW LEFEVRE: Sir, there is no intention to cut down the tree to which my hon. Friend refers, and I have given directions that it shall not be subject to maltreatment. I may observe,

however, that if the plans for the extension of South Kensington Museum, decided upon in 1876, be carried out, and if a frontage be added to the blank wall of the Art Library recently erected, it is difficult to see how the plane tree can be preserved; but, at the rate at which money has been voted for the South Kensington Museum during the last few years, it will be about 20 years before the period of danger is reached.

ANCIENT MONUMENTS (RESOLUTION MARCH 11TH).

SIR JOHN LUBBOCK asked the First Lord of the Treasury, Whether he proposed to take any, and, if so, what steps to provide for the better preservation of Ancient Monuments, in accordance with the Resolution of the House of the 11th of March?

MR. GLADSTONE, in reply, said, that a wish had been expressed by the House that any plan submitted to the Government with regard to the preservation of ancient monuments should be carefully considered by the Government. No such plan had, however, been submitted, and he must confess that he had not been in a position, nor did he know when he should be, to undertake what was expected from the Government. Seriously, he hoped that, after what had happened, some plan would be brought forward to which the Government might be able to give careful attention.

ARMY ORGANIZATION — THE NEW ROYAL WARRANT—RETIREMENT.

MR. HEALY (for Mr. T. P. O'CONNOR) asked the Secretary of State for War, Whether similar conditions of retirement will be sanctioned for the Captain and Lieutenants of Orderlies, A.H.C., who do not wish to serve under the new Royal Warrant as Hospital Quartermasters, to those granted by the Royal Warrant of the 12th July 1878 to the Assistant Commissaries who declined to accept the position of Quartermaster in the Commissariat Department?

MR. CHILDERS: No, Sir; the circumstances are entirely different. The Assistant Commissaries were largely reduced in number, and were no longer eligible for promotion in the Department, and it was reasonable to offer them, under such circumstances, facili-

ties on a liberal scale for leaving the Department. This is not the case with respect to the officers referred to by the hon. Member.

PARLIAMENT—THE HOUSE OF COMMONS—CONDUCT OF PUBLIC BUSINESS—NEW RULES.

MR. RATHBONE asked the First Lord of the Treasury, Whether the Government will consider the necessity of bringing before the House, at the commencement of next Session, proposals for amendment of the Rules for the conduct of the Business of the House?

MR. GLADSTONE: Sir, I am sure my hon. Friend will understand, with his knowledge of Parliamentary proceedings, that the Government are not able to give any definite pledge, in the present state of their knowledge upon the question, as to what Business it may be their duty to submit to Parliament at the commencement of next Session; but, undoubtedly, subject to reservations which are necessary as to everything in the future, I cannot hesitate to say, with increasing strength of conviction from every week's and month's experience, that the question of the re-organization of the arrangements of the House in such a way as to restore it—for I must use the expression—to its full efficiency, has become a question of the very first order, not only in point of magnitude, but in point of claim to precedence. I may, perhaps, Sir, while I am addressing you, say, with regard to the Boer Convention, on which I spoke yesterday, that the Paper has been presented to Parliament, and it will be distributed, I believe, very shortly. I do not know what day it will be distributed, but copies of it are to be obtained in the Agenda Office by anyone who wishes to see it. I also wish to refer to a Question put to me yesterday by my right hon. Friend the Member for the City of London (Mr. Hubbard), on which the right hon. Baronet opposite offered some observation, with regard to the Bill for the conversion of certain Stocks into certain Annuities. I am very much disposed to regret that there should be any difficulty or any burden upon the time of the House in respect to the passing of that Bill in its integrity. If I am pressed about it, with a desire to escape from all unnecessary labour, there is this to be said. There is only one portion of

that Bill which is of great practical influence to pass, with the view of relieving the Exchequer from unnecessary charge with relation to the conversion in Stock of £7,500,000 of Exchequer Bonds, on which we are paying $3\frac{1}{2}$ per cent. The portion of the Bill which relates to that I should feel myself bound, in any circumstances, to go forward with. There is also another enactment of the Bill for the purpose of curing a legal flaw which has been discovered in the Act of last year relating to the Savings Bank Fund. If it is desired that such a course should be taken, I would, in lieu of going forward with the Bill as it stands, be willing to read the Bill a second time, and pass it through Committee *pro forma* with the view of striking out all that relates to the larger function with regard to conversion, and reduce it to the provision I have now spoken of. If I find that is so, I will take the stages of the Bill accordingly.

PARLIAMENT—PRIVILEGE—MR. BRADLAUGH.

MR. LABOUCHERE: I apprehend, Sir, that I shall be in Order in laying before you the conduct of a Member of this House within the precincts of the House. I need not say I refer to the hon. Member for the City of London (Mr. R. N. Fowler). I have received the following letter from my Colleague in the representation of Northampton:—

"20, Circus Road, St. John's Wood, N.W.
"August 4.

"My dear Labouchere,—Among the excessively painful incidents of yesterday there is one matter which I cannot help bringing to your notice. Alderman R. N. Fowler (London) followed me downstairs, and at the door leading on to Palace-yard, just as the police and other officials were forcibly ejecting me, I heard Mr. Fowler say, 'Kick him out,' and the people near on this hooted at Mr. Fowler. Surely, as this took place within the precincts of the House, and as I was debarred by my being in the hold of 12 men from retorting as this deserved, and am also debarred from protecting myself in my place in Parliament, I may appeal to you to bring this matter before the House. If the House should hold that this did not occur within its precincts I shall at once summon Mr. Alderman Fowler for endeavouring to excite to a breach of the peace.

"Yours very sincerely,

"C. BRADLAUGH."

I need not add anything to that letter,

Mr. Gladstone

and I shall leave the matter, Sir, in your hands.

MR. R. N. FOWLER: I have to thank the hon. Member for his courtesy in deferring this Question from yesterday until to-day to suit my convenience. If I take any notice of the letter it is not from any respect to Mr. Bradlaugh, whose admission to this House I have always opposed, and shall continue to oppose by the best means in my power. It is because I think it would be inconsistent with the duty of any Member of this House to interfere with the police in the discharge of a difficult duty, which I may say, from what I saw, they discharged with very great moderation and forbearance. All I have to say is, that I never used the words in question, and I emphatically deny the statement made in the letter read to the House.

SOUTH AFRICA—THE TRANSVAAL—THE NATIVE TRIBES.

SIR HENRY HOLLAND asked whether the Papers to be laid before the House with respect to the Boer Convention would include the address of Sir Hercules Robinson to the Natives, which he thought might have an important bearing upon the construction of the Convention?

MR. GLADSTONE, in reply, said, he had not heard from the Colonial Office any account of the receipt of that Paper officially in this country. What he had just said had reference not to Papers in relation to the Transvaal generally, but only to the Convention. They had received a copy of the full text of the Convention, but had not had time to lay it on the Table. He quite agreed with the hon. Baronet that the address of Sir Hercules Robinson ought to be presented to Members immediately on its receipt.

SIR GEORGE CAMPBELL asked what was the extent of territory to be handed over to the Boers?

MR. GLADSTONE begged to refer the hon. Member to the Convention. The hon. Member would find there authentic terms, which he was unable to supply from memory. He might say, however, that it was not thought that there would be any advantage in retaining the slip of territory between Zululand and the Transvaal.

EDUCATION DEPARTMENT—THE NEW CODE.

In answer to Mr. BRIGES,

MR. MUNDELLA said, if the Education Estimates were taken on Monday, he should lay on the Table the proposals for the revision of the Education Code.

SEIZURE OF EXPLOSIVE MACHINES AT LIVERPOOL.

LORD JOHN MANNERS asked the right hon. and learned Gentleman the Home Secretary whether he could inform the House as to any communications which had passed between Her Majesty's Government and the Government of the United States with reference to the recent discovery at Liverpool of infernal machines which have been sent to this country from America?

SIR WILLIAM HARCOURT: Sir, Her Majesty's Government, as I stated some days ago, thought it their duty to make representations to the Minister of the United States in London, on the subject of the machines which were discovered at Liverpool. The Government have received from the Government of the United States a communication, couched in the friendly and satisfactory spirit which I ventured confidently to anticipate. With the leave of the House I will read the answer from the Government of the United States. It is from Mr. Lowell, the Minister of the United States—

"Legation of the United States, London,
"August 1, 1881.

"My Lord,—Referring to my conversation with Lord Tenterden on Friday, the 29th ult., in relation to the discovery of explosive machines at Liverpool shipped from the United States for criminal purposes, I have the honour to acquaint your Lordship that I sent to Mr. Blaine on the 30th ult. by cable a memorandum of this conversation, and that I have received from him this morning a despatch by telegraph in which he instructs me to inform Tenterden that the National, State, and municipal authorities of the United States are all engaged in the work of discovering the wicked authors of the dynamite plot. Mr. Blaine adds that it was a stealthy, secret crime, and it is not believed that any considerable number of accomplices were engaged in it. He further states that no pains or expense will be spared in the detection and prosecution of the guilty parties.

"I have, &c.,

"J. R. LOWELL.

"The Earl Granville."

PARLIAMENT—PUBLIC BUSINESS.

OBSERVATIONS.

MR. GLADSTONE said, it was proposed, after the Army Estimates had been completed, to proceed with the Civil Service Estimates in the order of the Votes as they stood, with the exception of the Education Votes, regarding which a special arrangement would be made. It was also intended, if possible, to, in a similar way, make a special arrangement in regard to the Irish Votes. The hon. Member for the City of Cork (Mr. Parnell) had given Notice of an Amendment in connection with those Votes which would raise important Irish questions, and he thought it was the duty of the Government to afford that hon. Gentleman every convenience in their power to bring on the discussion which he desired to raise. No Irish Votes would, therefore, be asked for either to-night or to-morrow (Saturday), but another day would be given to their consideration. No idea of urgency in regard to these Votes had been entertained by the Government. It would be necessary for the Secretary to the Admiralty, who was nearly out at elbows, to ask for a Vote on Account to-morrow; but he would not propose to take any Votes on which discussion was likely to arise, but to deal with the non-effective Votes. The House would meet at 12 o'clock to-morrow. It was intended to propose the Education Estimates on Monday.

MR. CALLAN asked whether it was intended to postpone the Irish Votes until after the Land Bill had been returned to this House from "another place?"

MR. GLADSTONE said, there was no such intention, and added that, in the view of the Government, they would be justified in asking urgency for the consideration of any Amendments that might be proposed.

SIR STAFFORD NORTHCOTE asked when the Irish Land Bill was likely to be returned to this House from the House of Lords? With regard to the statement of the Prime Minister as to the Terminable Annuities Bill, he entirely concurred in the course which had been proposed by the right hon. Gentleman.

MR. GLADSTONE said, he was inclined, in answer to the good-humoured

question of the right hon. Gentleman, to ask the same question of him.

SIR STAFFORD NORTHCOTE: The right hon. Gentleman has misinterpreted my meaning. I should be glad to know whether, if the Bill comes back on Monday or Tuesday, the Government propose to consider the Lords' Amendments the same day or on some day or days after?

MR. GLADSTONE: If the Bill comes back on Monday night we shall propose to consider the Lords' Amendments to it on Tuesday; but if it comes back on Tuesday night, we shall take the sense of the House whether they shall be considered on Wednesday or on Thursday. The Amendments will be placed in the hands of Members with all possible dispatch. They will be printed separately. To insert them in the Bill would necessitate the breaking up of type, so that I cannot promise that a copy of the Bill shall be supplied as amended.

MR. T. P. O'CONNOR asked what were the intentions of the Government with reference to dealing with the subject of local self-government in Ireland?

MR. GLADSTONE said, the strong desire of the Government, conveyed through the medium of the Speech from the Throne, at the commencement of the present Session, might give the hon. Member every assurance that it was in their power to convey with regard to the very earnest desire of the Government to proceed with that very important matter.

In answer to **Mr. OTWAY** and **Mr. MACFARLANE**,

THE MARQUESS OF HARTINGTON said, he could make no further statement on the subject of the day on which the Indian Budget would be taken than that which had been made by his right hon. Friend the Prime Minister. He hoped that they might take it next week; but he could not say positively, nor could he even say whether it would be taken the week after. He would take care that the usual Papers incidental to the subject were laid upon the Table of the House before the discussion came on.

AFGHANISTAN—REPORTED MOVEMENTS OF TROOPS.

CAPTAIN AYLMER asked the Secretary of State for India, Whether he had

Mr. Gladstone

received any recent news as to the movements of General Hume's force on the frontiers of Afghanistan?

THE MARQUESS OF HARTINGTON: No, Sir. The Viceroy of India has informed me that no important movements have taken place on the Afghanistan Frontier.

FRANCE AND TUNIS — MILITARY OPERATIONS—THE BOMBARDMENT OF SFAX.

MR. BOURKE: I should like to ask my hon. Friend the Under Secretary of State for Foreign Affairs a Question which he will probably be able to answer, although I have not given him Notice of it—namely, whether since the bombardment of Sfax any British claims on the French Government have arisen, or are likely to arise, out of that affair?

SIR CHARLES W. DILKE: No British claims have yet reached the Government at home. But I think that it is probable, from a telegram sent by **Mr. Reade**, the British Consul, that British claims will arise out of the bombardment of Sfax. He had an interview before the bombardment with some British subjects at Sfax possessing considerable property which was of a nature likely to be injured by a bombardment, and I have reason to believe that a portion of that property was destroyed. It is, therefore, very likely that British claims will arise out of the matter.

ORDERS OF THE DAY.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That **Mr. Speaker** do now leave the Chair."

LAW AND JUSTICE—OUTRAGE UPON THE PERSON.—RESOLUTION.

MR. MACFARLANE, in rising to move—

"That the administration of the Law in cases of outrage upon the person has long been a reproach to our Criminal Courts; that outrages and assaults of the most brutal character, especially upon married women, even when they cause a cruel death, are commonly punished less severely than small offences against property; that the admission of the crime of drunkenness as an extenuation of other crimes is immoral,

and acts as an incentive to persons about to commit outrages to wilfully deprive themselves of the guidance of reason ; ”

said, in bringing forward this subject he did not propose in any way to censure Her Majesty's Judges ; but he desired to draw the attention of the House to the striking inequality of sentences passed upon persons guilty of offences against the person as compared with those passed upon persons guilty of offences, often of a trivial character, against property. Thus, whereas the Lord Chief Justice sentenced a man to six weeks' imprisonment who had, while drunk, assaulted his wife in such a manner that her death resulted from it, others, like the man Murphy, who was convicted at the Surrey Sessions of stealing a few pieces of indiarubber, were sentenced to 10 years' penal servitude. A man met a woman in the street, struck her a violent blow in the face, knocked out four of her front teeth, loosened the remainder, and cut her lip in two. He was sentenced to two months' imprisonment, the magistrate observing that the sentence ought to be more severe. He had taken these few cases out of the papers since he asked the right hon. and learned Gentleman a Question on the subject, and he had no doubt he might have found hundreds of similar cases. There was no person in any class of society who did not admit that there was in this country an undue tendency to punish the smallest possible offences against property, and, comparatively speaking, almost to ignore offences against the person. He knew the Home Secretary would tell him he had no power to revise sentences. He had no doubt that if the right hon. and learned Gentleman would say that in the one class of cases the sentences were too severe and in the other were not severe enough, that would have considerable influence on the Judges. At any rate, he did his duty in bringing these cases before the House. A man of the name of Harcourt—he begged the right hon. and learned Gentleman's pardon, William Harcourt—was charged with having beaten a woman in a most unmerciful manner. His plea was that he did not know he had struck her—that was to say, he was in a state of brutal intoxication at the time. The magistrate sentenced him to a month's hard labour. But if that man

had put his hand into her pocket and had taken 6d., he would probably have been sentenced for some years to penal servitude. The hon. Gentleman concluded by moving the Resolution of which he had given Notice.

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “the administration of the Law in cases of outrage upon the person has long been a reproach to our Criminal Courts ; that outrages and assaults of the most brutal character, especially upon married women, even when they cause a cruel death, are commonly punished less severely than small offences against property ; that the admission of the crime of drunkenness as an extenuation of other crimes is immoral, and acts as an incentive to persons about to commit outrages to wilfully deprive themselves of the guidance of reason,”—(*Mr. Macfarlane*,)

—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

SIR WILLIAM HARCOURT said, he must point out to the House that the Motion which they were asked to accept was of a very grave character. It was not an impeachment of particular decisions into which that House certainly could not enter with advantage, but it was a general charge against the administration of the law in cases of outrage, which the hon. Member asserted to have been long a reproach to our Criminal Courts. In this Motion the hon. Member included the whole of the magistrates of this country, from the Chief Justice down to the borough and county Justices. He must point out that those magistrates came from the same class as hon. Members themselves, and were members of the same community ; and he would ask the hon. Member how he could account for the fact that many hundreds, he might almost say thousands, of persons having the same feelings of humanity, the same sense of right and wrong as himself, should have all conspired together habitually to do that which was injurious to the society in which they lived ? The thing was improbable on the face of it. It was certainly contrary to his experience and conviction. He could not believe that the Chief Justice and the whole Bench of Judges—[“No, no !”]—yes, that was the hon. Member's proposition. He could not read it in any other sense, for

the Motion said the administration of the law had been long a reproach to our Criminal Courts, and the hon. Member had started his illustrations with a case in which the Lord Chief Justice was the Judge, and descended to cases in police courts. He could not regard the Motion or the speech of the hon. Member otherwise than as a general indictment and impeachment of the administration of the Criminal Law in all its branches. If the hon. Member had had the same experience as he (Sir William Harcourt) was obliged to have of the reports which went forth to the public of these cases, he would know how extremely inaccurate those reports were, and how much they led to prejudice. Half the work in his office consisted in writing to inquire, either at the instance of other people or on his own motion, for explanations of reports in which improper sentences were alleged to have been given, and in 99 cases out of 100 he found that the report of those cases omitted to notice the material particulars on which the sentences were based. Why they were to assume that a magistrate or Judge whom they had every right to suppose was as fit to form a judgment as they themselves were, should have gratuitously come to a foolish and ridiculous conclusion, disadvantageous to society, he could not understand. His official experience showed that in 99 cases out of 100, popular prejudice on the matter was not well-founded, because it rested on reports which did not accurately convey the condition of things on which the magistrate had acted. He did not mean to say that there were not occasional cases in which sentences were imposed which he could not approve of, or, at all events, different from what he himself would have imposed; but it must be borne in mind that that was the greatest and insoluble difficulty in the administration of the Criminal Law. The hon. Member had complained of inequality in sentences. There was great inequality of sentences. There must be inequality in sentences as long as we found sentiment varied; and he did not see, unless they could secure uniformity in the temperament of the human mind, that we could ever get that uniformity of sentences which the hon. Member desired. He had no doubt the hon. Member and himself would claim for themselves sentiments of equal rectitude and benevolence;

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but it was quite possible that in judging of the same case, with the most honest intent, they would pronounce very different sentences. That always must be so. They never could, by Act of Parliament, settle absolute sentences. All they could do by statute was to fix the maximum sentences; but between the maximum and minimum there would always be immense room for diversity of feeling and judgment on the part of the magistrates who administered the law. He was quite conscious of that, and could see no remedy for it. The hon. Member had complained that there was a broad distinction between the manner of dealing with offences against the person and offences against property. One fact, which did not solve all the cases, but which had a bearing on them, was this. They often saw what seemed to be a very small offence against property visited with a very heavy sentence, but newspaper reports almost universally omitted the circumstances, that it might be the sixth, seventh, or tenth conviction. People saw that a man had been punished for larceny with, say, five years' penal servitude; but they did not know the fact that that man was a confirmed offender, whereas in these cases of personal outrage, however brutal, they were more commonly than not first offences, a circumstance which very often accounted for the variety of sentences. Those were some of the difficulties which surrounded that matter. He had no objection whatever to the hon. Member discussing it. It was very useful and wholesome that sentences should be canvassed and considered by public opinion with a full knowledge of the facts. He felt sure, however, the House would not accept or endorse the general and severe condemnation of the magistrates of this country contained in the Resolution. If that Resolution were well-grounded they ought to dismiss all their magistrates and Judges. He knew no other remedy, because if for years those magistrates and Judges had been acting in a manner which was a reproach to the Criminal Courts, the only cure was to get rid of them. The House could not properly review the decisions of Judges without informing themselves of all the circumstances, and hearing the Judges' explanation of the reasons which induced them to pass the sentences complained of.

MR. MACFARLANE said, that, as his object had been gained, he was willing to withdraw his Amendment.

Question put, and agreed to.

CRIMINAL LAW—CASE OF EDMUND GALLEY.—OBSERVATIONS.

SIR EARDLEY WILMOT, in rising to call attention to the case of Edmund Galley, to whom Her Majesty graciously granted a free pardon in 1879, in accordance with the Prayer of this House, said, that the Motion just submitted to the House having been negatived, he was thereby prevented from bringing forward the Resolution of which he had given Notice in a substantive form; but that circumstance would not prevent him from presenting it in the shape of an appeal to the Government, in fulfilment of the pledge which he had given to those who, both inside the House and out of it, had taken a deep interest in the case of the unfortunate man Edmund Galley. He would commence by apologizing to hon. Members and to the Government for taking a course which, at that late period of the Session, and in the pressure of so much Public Business to be dealt with, would postpone their going into Supply; but the interests of a much-injured man had been intrusted to him, and he knew that the ear of the House of Commons was never closed against the humblest of Her Majesty's subjects, when he sought justice at its hands. They would remember that in 1879, at the close of the Session, the case of Galley had been carefully considered in a long debate, which lasted from 9 p.m. till 2 in the morning, and that the discussion ended by the House unanimously resolving to pray Her Majesty to grant him a free pardon. He (Sir Eardley Wilmot) would not re-open the details which convinced the House of the innocence of Galley. Hon. Member after hon. Member arose to express that conviction; and he might mention that the hon. and learned Gentleman the present Attorney General, who spoke strongly in favour of his innocence, stated in the course of his speech that out of the 114 members of his own Circuit he believed that there was scarcely one who was not of the same opinion. He (Sir Eardley Wilmot) recollected that the speech of Sir Lawrence Palk—now Lord Haldon—

made a great impression upon the House. As a young man, Sir Lawrence Palk had visited the scene of the murder, and the particular locality where the principal witness, the woman Harris, swore she saw the outrage committed; and Sir Lawrence Palk said, from the nature of the ground, and the circumstances of a thick copse closely bordering the road on each side, it was quite impossible that she could have seen the murder committed without being herself seen. He need scarcely call to their recollection the able and eloquent letter of the late lamented Lord Chief Justice, or the testimony of Sir Montague Smith, both of whom were present at the trial in 1836. In the debate in 1879, he had read a letter from the latter, saying he considered it a case of mistaken identity, an extract from which letter was to be found in *Hansard*, which he held in his hand. He should not have alluded to it now had he not heard that doubts still existed in some minds as to Galley's innocence, and had he not felt that there were some present upon whose minds the minute circumstances of the trial and conviction were not so deeply engraven as upon his own. He would proceed to what had taken place since 1879. Nothing, as far as he knew, had transpired either at the time of the debate, or since, on the subject of compensation. He certainly had never alluded to it himself. But it appeared that someone had held out a hope to Galley, or that he had got the idea into his head, that compensation would be made him by his country for the long and unmerited injuries he had sustained for a period of upwards of 40 years. At all events, Galley felt that he was entitled to it, for he had written early in the following year a letter to Mr. Latimer of Exeter, from which he (Sir Eardley Wilmot) would read an extract. But, before he did so, he could not help paying his warmest tribute of admiration and respect to the persevering exertions of that gentleman on behalf of Galley, for to those exertions Galley's pardon was mainly to be ascribed. Mr. Latimer had been present at the trial at Exeter, and had heard Oliver, who was really guilty, avow in open Court, after the verdict was given, the entire innocence of Galley. He afterwards stood by Oliver on the scaffold when he said—

"I declare in the face of this congregation that I am guilty, and that the other man is innocent."

From the moment when Mr. Latimer heard, in 1877, that Galley was still alive, and that the really guilty man, Longley, had confessed in the Colony, he most warmly and zealously took up Galley's case, and never slackened his exertions till, first by the letter of the late Lord Chief Justice to the Home Office, and afterwards by the debate in Parliament, he had the happiness of seeing those exertions crowned with success. The letter to him from Galley was as follows:—

"Tkalong, Binilong, June 4, 1880.

"For Thomas Latimer, Esq.

"Dear Sir,

"I hope you will excuse me for taking the liberty of writing to you once more concerning my unfortunate affair, having never heard from you for some months past, I may say never since I received Her Most Gracious Majesty's free pardon. I beg of you as a good friend and Christian to put some of the Home Authorities in mind, according to their promise, that something will be done for me in the way of compensation. I am beginning to think that the excitement in England caused by my unfortunate affair has all died out, and I begin to feel that it's a long time about. I feel that I must be drawing near to the grave, and I feel anxious for those I may leave behind."

In May of the present year, he (Sir Eardley Wilmot) had himself received a letter from Galley, which he would also read to the House—

"Binilong, New South Wales,

"March 1, 1881.

"Sir J. E. Wilmot, bart., M.P.

"for Warwickshire.

"Dear and honored Sir,

"I beg of you once more to try and do a most injured man a kind favour by laying my case once more before the house of commons, interceding on my behalf for some compensation for the sufferings that I have undergone during my Life as a Prisoner.

"Now I am freed from the awful crime for which I have suffered over 40 years wrongfully, I consider as a most injured man, that I am entitled to some compensation from the English government.

"Through your own kind benevolence and other good gentlemen of England, I received the royal free pardon for which I can never be too thankful.

"I beg to say that the good gentlemen of England that have done so much for me appear to have forgotten me and my troubles.

"I hope you, as a good Christian and a gentleman, seeing, that I am an old man now, will try and do something for me in the way of recompense for my troubles. Thanking you for all the kindnesses you have done for me, I beg

to remain your most humble Servant Edmund Galley.

"Binilong, N.S.W.

"Care of A. B. Paterson, esq.

"Sir, I forgot to add that I wrote to you some years ago, but never received any answer."

He (Sir Eardley Wilmot) was under the impression that he did reply to Galley's former letter; but, at all events, the best answer that could be sent was Her Majesty's free pardon. ["Hear, hear!"] Soon after he received the above letter, he heard from Mr. Latimer that the people of Devon were preparing a Petition to the House of Commons, and also a Memorial to the Home Secretary, to ask for compensation to Galley, and after Whitsuntide both documents were sent to him (Sir Eardley Wilmot) for presentation. The Petition was signed by upwards of 5,000 of the inhabitants of Exeter and Devon (5,230), and comprised most influential signatures, headed by the Dean, the Mayor and ex-Mayor of Exeter, the Mayors of Plymouth, Tiverton, and Totnes, and many Aldermen and Town Councillors of the various boroughs in Devonshire. There were the names of 34 magistrates, 43 clergymen of all denominations, 306 professional and independent men, 18 journalists, and 2,115 merchants, tradesmen, and farmers, besides 2,714 miscellaneous signatures. There were also the names of Mr. Sanders, J.P., Mr. Latimer, J.P., and Mr. Rose, late Governor of Exeter County Gaol, all three having been present at the trial of Galley in 1836, and throughout convinced of his innocence. The Memorial, which he (Sir Eardley Wilmot) took himself to the Home Office for presentation, was, he understood, as numerously signed, though he did not examine the signatures as he did those to the Petition. Having left an interval of time, in order that the Home Secretary might consider the Prayer of the Memorial, he proceeded to put a Question in the House as to the course the Government intended to pursue, and the reply of the Home Secretary was that, in the opinion of the Government, enough had been done for Galley by the grant of a free pardon. This, however, did not satisfy the people of Devon, who not only had all along felt and expressed a deep sympathy with Galley, but also considered that a certain discredit attached to their county by the fact that an entirely innocent man had been con-

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victed and sentenced to death in it. They, therefore, urged him (Sir Eardley Wilmot) to proceed further in the matter, which he not unwillingly undertook, for he always had considered that a pardon bestowed on an innocent man was an anomaly, and that the laws which had inflicted the injury should provide amends and compensation. Sir Samuel Romilly, as far back as 1808, brought in a Bill with that object; and he (Sir Eardley Wilmot) intended to bring in a Bill next Session for the institution of a Court of Criminal Appeal, one of the provisions of which would be to empower the Court to award compensation where it was proved satisfactorily that injustice had been done and unmerited suffering had been sustained. Returning, however, to the case of Galley, before he gave Notice of his Motion asking for compensation to him, he went to the Home Office in order to seek an interview with the Home Secretary, or Mr. Liddell, the Under Secretary of State, to see if they would not re-consider their decision, and thus avoid the necessity of bringing the matter forward in the House. He was not fortunate enough to see either of the Secretaries; but he saw one of the Assistant Secretaries of the Criminal Department, and also the Private Secretary to the Secretary of State, and, to his surprise and astonishment, he learnt that a belief still existed at the Home Office that Galley was guilty. He thought that that idea had long since been banished from the Home Office; and, bearing upon that, he might mention that, accidentally meeting abroad one of Her Majesty's Judges—one most distinguished in his knowledge of Criminal Law—that dignitary had informed him that at the period when Galley's case was about to be brought before Parliament, in 1879, a late Home Secretary had sent him the Papers connected with the case, and asked his opinion on it. His reply had been—"Galley no more committed that murder than I did myself." At all events, the inquiry by him (Sir Eardley Wilmot) not being what he hoped for, he put down his Motion on the Notice Paper the same afternoon, and to-day they had come to its consideration. It might be said that such a case would afford a precedent for others if the Government consented to give compensation; but he would ask, had not the precedent been already

established on more than one occasion? He would refer hon. Members first to the well-known case of Barber, a solicitor, of London, who was convicted, in 1844, of forgery at the Central Criminal Court, along with one Fletcher. Both were sentenced to transportation for life, and sent to Norfolk Island in the autumn of that year. A near relative of his (Sir Eardley Wilmot's) own—in fact, his father—was Lieutenant Governor of Van Dieman's Land at that time. Norfolk Island was under the charge of an official subordinate to the Lieutenant Governor's jurisdiction, and at some distance from Hobart Town; and he was sorry to say, as they all well knew, that dreadful enormities were committed there. Barber was placed, on his arrival, in a most menial occupation, and underwent great and cruel indignities, which injured his health, and he was afterwards removed to Van Dieman's Land, where he obtained a free pardon in 1848. For, in the meantime, the humane and excellent chaplains, Messrs. Rogers and Naylor, who did their best for the convicts on Norfolk Island, had convinced themselves of Barber's innocence; and Fletcher himself, his alleged partner in the forgery, had entirely exonerated him from any participation in it. Well, Barber returned to England, and endeavoured to resume his practice in London as a solicitor, in 1855, but in vain. Though a free pardon had been given him, his clerk gave evidence before the Select Committee afterwards appointed by the House of Commons, that he was avoided by clients, as having had the stain of a conviction, though wrongfully, upon him. In his misery, Barber petitioned this House for inquiry; and, through the exertions of Dr. Brady, a respected Member of it, a Select Committee was appointed to inquire into the circumstances of his case, Lord Hotham being its Chairman. After several sittings of the Committee, before whom Barber himself, Major General Childs, and other witnesses were examined, the Committee came to the unanimous opinion that Barber was entirely innocent of the crime for which he had been punished, and "they recommended him to the favourable recommendation of the Government." He (Sir Eardley Wilmot) had the Report of the Committee in his hand (Vol. xii., 1857-

1858, page 617), but he would not trouble the House with it. But the Report stated "that the allegations in Barber's Petition had been substantially proved." He would, however, read to them what occurred in the House afterwards. Dr. Brady, on 19th March, 1859, asked the Secretary to the Treasury (Sir Stafford Northcote) what the Government intended to do in reference to the Report of the Select Committee on the Petition of William Henry Barber? Sir Stafford Northcote said—

"The case of Mr. Barber had been under the careful consideration of the Government for some time, and no little difficulty had been experienced in deciding how to deal with it. On the one hand, a precedent ought not to be laid down which might operate injuriously in other cases of an analogous nature; and, on the other hand, this particular case was taken out of the ordinary category by the fact that it had been investigated by a Select Committee, who had unanimously recommended it to the special consideration of the Government. The various propositions that had been brought forward had received the attention of the Government, which had felt that the only unobjectionable mode of proceeding would be to give some recognition of the sufferings which Mr. Barber had certainly undergone. This would be attained by a grant of public money to Mr. Barber; and, accordingly, in the Estimates for the coming year such a sum would be included as, without pretending to compensate him for what he had endured, would still be an acknowledgment on the part of Parliament and the country that he had suffered considerably, and was therefore entitled to some consideration of this nature."

The other case he would mention was that of Habron, convicted not long since of murder committed by a man named Peace. Through the confession of Peace, entirely exonerating Habron, the latter had received a free pardon. The circumstances of his innocence being established were not unlike, in some respects, to those attending Galley's case, and compensation was awarded to him by the Government. In Barber's case the sum granted was, he believed, £5,000; in Habron's it was £1,000. And now, he would ask, was not Galley entitled to similar amends? For 45 years he had been an exile from his country—at first, a slave condemned to hard and severe labour in a penal Colony; then, as Lord Chief Justice Cockburn had eloquently pointed out, equally a slave on the public roads; and at length assigned, as was the custom with our transported felons at that time, to a landowner, like a beast of burden, in New South Wales, where he had been ever

since, with the stigma of a crime which he never committed branded upon him. But, latterly, he had experienced kind treatment, especially from his master, Mr. Friend, now dead. So acutely did he feel his position, that he would not enter the state of marriage till the publication of Lord Chief Justice Cockburn's letter reached him, for he said he would not wish, innocent as he felt and knew himself to be, any woman to take the name of one who had been convicted of murder. He (Sir Eardley Wilmot) had now finished his task. He thanked the House for the kind indulgence with which they had listened to him; and it only remained for him to appeal once more to the Home Secretary and the Government. He asked them favourably to consider, as the House of Commons had done in Barber's and Habron's cases, the unhappy case of this poor old man. They had heard his own appeal in the letter which he (Sir Eardley Wilmot) had read, and in which he besought his fellow-countrymen to do him justice. He (Sir Eardley Wilmot) asked for that justice for him. He asked it in the name of the county of Devon, where Galley had been unjustly convicted; he asked, in the name of all England, that this unhappy man, after 45 years of unmerited suffering, might be enabled, through the generous act of his fellow-countrymen, to return to his native land, and there pass the short remainder of his life in peace and comfort.

SIR WILLIAM HARCOURT said, that the hon. Member had spent a considerable portion of time in proving the innocence of Galley, and he was surprised to hear it stated that at the Home Office a doubt as to his innocence prevailed. That opinion he understood to be founded on private conversations with his Private Secretary. He was only too glad to afford hon. Members all possible facilities for making inquiries at the Home Office; but he must say that if mistaken opinions gathered from private conversations held there were to be brought before the House, he would be compelled to take steps to prevent such conversations taking place. But the hon. Gentleman's opinion was altogether unfounded. No one at the Home Office, and least of all his Private Secretary or himself, entertained a doubt as to the innocence of Galley. At the beginning of the present year he went carefully

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through all the Papers, and he held the opinion that the view taken by the late Lord Chief Justice and by Sir Montague Smith was the correct view, and that the case was one of those lamentable miscarriages which sometimes occurred in the administration of justice, and which showed the fallibility of human testimony and of human judgment. Having disposed of that matter, he started with the assumption of the innocence of Galley, as to whom the House had voted that he was entitled to a free pardon. It should not be supposed that he was opposed to compensation being given; but he had a public duty to perform, and would state the considerations which had influenced their decision. The hon. Member said that in all cases of unjust conviction compensation should be given. That was a very large proposition, pregnant with very important consequences, and it was one which had never yet been adopted. There was the case of Mr. Barber, which the hon. Gentleman had referred to, where the Government, from the peculiar circumstances, had decided to award him compensation; but they expressly stated that it was not to be considered as a precedent. But the first thing the hon. Gentleman did was to make it a precedent for another case. They could not do these things without establishing a precedent. It was, of course, entirely for the House to consider in what way they would dispose of the money of the country, and if they were of opinion that compensation should be given in the present case they would say so. He was sorry the House was not in a position to give a vote on this matter, for it was for the House and not for him to decide that point. He had, however, to observe that the hon. Member had given no hint in his speech as to what he considered should be the measure of the compensation, while in his Resolution he suggested that Galley should be allowed a free passage home. If that were all he meant, then he was sure the hon. Member—as he himself would, or many hon. Members present—would find the necessary funds for that purpose.

SIR EARDLEY WILMOT said, he had purposely refrained from naming a sum, being desirous of leaving that matter to the Government.

SIR WILLIAM HARCOURT said, he supposed he was to assume that the

hon. Gentleman asked for some substantial compensation. Well, there was no evidence before them that Galley himself desired to be compensated, or even that he desired to return home; and what was the use of furnishing a man with the requisite means to enable him to return home if he did not desire to do so? The principle which was laid down by the hon. Baronet was not confined, as he understood it, to the case of Galley, but was intended to apply to all cases in which innocent persons had been convicted of crime. It was scarcely for the Government to accept this principle, but it might be done by the House, in which case great care ought to be taken in fixing the bases on which compensation to be paid out of the public purse ought to be fixed.

MR. NORTHCOTE said, he thanked the right hon. and learned Gentleman for the generous and candid manner in which he had admitted the abstract justice of Galley's right to reasonable compensation. He (Mr. Northcote) was not in the least disposed to make raids upon the Treasury in the interest of individuals upon any except the most serious grounds; but he did think that the exceptional hardship of Galley's case entitled him to reasonable compensation, and he trusted the matter would be dealt with as soon as possible. He would suggest that a sum equal to that paid to the Irishman Habron, who had also been unjustly convicted, and suffered two and a-half years' penal servitude, should be given to Galley.

MR. J. COWEN said, he had listened with great satisfaction to the speech of the Home Secretary. Under the circumstances, it was all that the House could expect. He had admitted in the most unqualified way that Galley was innocent, and he did this after having perused the whole of the documents in the case—both the letter of the late Lord Chief Justice and the information exclusively in possession of the Home Office. Such a declaration made by the Home Secretary would be a source of unfeigned pleasure to the unhappy man himself, to the number of gentlemen who had taken an interest in him, and, he believed, to the House at large. He did not wish to mix the case up with any general argument as to the wisdom or necessity of establishing a Court of Appeal and granting compensation in

all cases where justice miscarried. That was a very wide subject, and one upon which there might be great difference of opinion. It was not desirable to encumber the present inquiry with broad debates on such a very complicated question. What they wanted the Government to do was to judge the matter upon its merits and to deal with it. He did not believe there had ever been a harder case, in recent years, submitted to the consideration of the Legislature. It was very simple, but it appealed to the sympathies of every generous person. This unfortunate man had, after the lapse of nearly half-a-century, been declared guiltless of the crime of which he had been accused. Apart from the agony of mind that he must have endured over his trial and conviction, the personal hardships he had been subjected to were such as few Gentlemen present could realize. They should remember that transportation to Botany Bay, at the time Galley was sent there, was one of the most severe punishments that could be inflicted. It was a pandemonium of vice and cruelty. He had the acquaintance of Mr. John Frost, the Chartist, who was also transported to New South Wales; and he remembered hearing from him a recital of the misery and suffering that the unfortunate convicts were subjected to. With a knowledge of these facts—seeing that Galley himself was now 80 years of age, and that he could not long live to enjoy any compensation the Government could give him—the necessity for action, and for prompt action, was urgent. No private Member could make a proposal for a sum of money to be granted; but if the Home Secretary would undertake to say that the Government would favourably consider the question—and if they could promise to give such a sum as had been given to Habron, who was convicted of murder, but afterwards found to be innocent, by the confession of the man Peace—he was sure it would give satisfaction, not only to Members of that House on both sides, but to the country. He recollected the discussion that took place there last Parliament. He never in his experience had seen the House of Commons so unanimous as it was on that occasion. It would not only be an act of justice, but it would be an act of generosity, if the Ministry could lighten the load of misery that had

accumulated round this unfortunate man during the 45 years that he had struggled under the stigma of murder, and been subjected to the punishment of penal servitude.

MR. WARTON said, he wished to express his general satisfaction with the statement of the right hon. and learned Gentleman the Home Secretary. He was sure the ratepayers would cheerfully provide for a grant of £1,000.

SIR H. DRUMMOND WOLFF admitted the prudence of not establishing a precedent for such cases, but hoped the Government would accede to the appeal.

SIR JOHN KENNAWAY said, he had derived much pleasure from the way in which this proposal had been received by hon. Members on both sides of the House. The Government of the day, by consenting to commute the punishment to which Mr. Galley was sentenced, had admitted that they were in the wrong, because if they believed that he was guilty they should have allowed justice to take its course, or if they believed that he was innocent they should have liberated him at once. As it was, the poor man had been kept in penal servitude for 44 years; and now, when he was past 80, he had been thrown upon the world without any provision for himself or for his family. It would be a mere farce to give this man an annuity, looking at his age. What should be done was to give him such a sum as would enable him to make some small provision for his family.

MR. MITCHELL HENRY observed, that this was eminently one of those cases in which the Government required to be pressed from both sides of the House. It was a case in which justice should be done. Nothing in the form of private subscription would meet the case, or would satisfy the feeling of the House of Commons, as reflecting that of the country. He hoped that the Home Secretary would not forget the old adage, that "*Bis dat qui cito dat.*" The case of this unfortunate man had frequently been debated in that House, and at length, after great difficulty, and mainly owing to the efforts of the hon. Member opposite (Sir Eardley Wilmot), he had received a free pardon. It was, however, very little use giving a man who never was guilty a free pardon, if he was to be deprived of the opportunity of getting his

livelihood at his extreme age; and therefore he trusted that the Government would show no more official coyness in the matter, but that the Home Secretary would take a course with regard to it which would reflect honour upon himself and would be appreciated by the country.

SIR HENRY TYLER agreed that the provision for the old age of this poor man should not be left to private subscription, but should be voted by Parliament. The mere fact of his receiving a free pardon after enduring 44 years' penal servitude, might leave it open to be supposed that he had only received the benefit of a doubt; whereas if Parliament made provision for him, it would be clearly understood that he was entirely innocent of the offence of which he had been convicted. He trusted that without any further debate the Home Secretary would yield to the universal feeling of the House, and would consent that a grant should be made from the public purse to this old man. The occasion was one for the exercise, not of mercy, but of justice.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, that, speaking on behalf of the Home Secretary, who was precluded by the Rules of the House from again addressing the House on this subject, he would state the course which the Government intended to pursue in reference to this case. His right hon. Friend had not been an inattentive listener to the discussion that had taken place; and as he now understood that it was the opinion of every Member of the House apparently that some money payment should be made to this man, he was not disposed to put himself in antagonism to that view. At the same time, he (the Attorney General) was sure hon. Members would feel that it was impossible that the Home Secretary could propose that compensation should be given in every case where a man who had been convicted was afterwards proved to be innocent. If, however, in the present case Parliament should by a strong expression of opinion be disposed to take upon itself all responsibility in the matter, and if it were universally understood that this was an exceptional case, and that it was not to be drawn into a precedent, the Home Secretary was not disposed to do other than give full consideration to what had fallen

from hon. Members on both sides of the House, and would make inquiry into the circumstances and position of this man, and hoped to be able to give effect in a short time to the wish of the House in the matter.

ISLANDS OF THE PACIFIC—JURISDICTION OF THE HIGH COMMISSIONER OF POLYNESIA.—OBSERVATIONS.

SIR JOHN HAY, who had given Notice of his intention to move—

"That, in the opinion of this House, the safety of Her Majesty's subjects engaged in commerce in the Pacific, as well as the well-being of the Native races, would be more completely attained, now that the seat of the Lord High Commissioner has been removed from Fiji to New Zealand if the duties of the Lord High Commissioner were performed by the Naval Commander in Chief in those seas, assisted by Naval Officers holding the requisite commission for this purpose;"

said, he did not propose to stand for any long time between the House and the Business before it in Committee of Supply; but the hon. Gentleman the Secretary to the Admiralty agreed with him that it was desirable that a few words should be said on the subject, even at this late period of the Session. In the numerous archipelagoes of the Pacific, none of the islanders, with the exception of those who resided in the Sandwich Islands, were in the slightest degree civilized. No fewer than 40 murders of British subjects had taken place in those islands during the past 12 months without any punishment being inflicted upon the guilty; and he had brought forward this subject in the hope that to try offences of this character some Court different from that which now sat at Fiji might be constituted. The three great Powers who had the most influence among the islanders were France, Great Britain, and the United States. France had a naval force in those seas consisting of 73 ships, manned by a force of 11,000 men, while we ourselves had a naval force in that quarter of the world consisting of 39 vessels, manned by 7,000 men, only a small proportion of which force, however, was available for service in that particular locality. The great Powers also exercised considerable influence in the islands through their missionaries and their traders. The process of obtaining the free labour of the Natives was one which had been liable to very considerable

abuse. Persons whom he would call scoundrels proceeded in vessels under the pretence of hiring honest labour for the purpose of employment in French Colonies or in our own Colonies. These scoundrels were the worst description of persons who ever conducted the slave trade. Much had been done by this country to stop them; but the Native races who were so betrayed by these persons resorted to outrages, not, unfortunately, upon the guilty persons, but upon honest traders, missionaries, and other persons who were pursuing their lawful occupations and who were doing their best for civilization. The House would remember the murder of Bishop Patteson, in 1871, and, at a more recent period, of Commodore Goodenough, who, to the end of his life, did his utmost to benefit the Native races. The Pacific Islanders' Protection Act of 1872 was in a right direction. It was amended in 1875 by an Act after the Fiji Islands had become part of the territory of Great Britain. No doubt, a very eminent person, Sir Arthur Gordon, did his very best to remedy the evils that were complained of; but Sir Arthur Gordon was translated from the Government of Fiji to the Government of New Zealand, and was, therefore, at a very considerable distance from the place where the Court sat. If a trader were murdered in some outlying island in the Pacific, some naval officer at Fiji or New Zealand was ordered to go to the place where the outrage was said to have been committed, and he had to do that which he was ordered to do. Great loss of time occurred through that process. The naval officer was sent to exact retribution at some unfortunate village where, perhaps, the inhabitants hardly knew the person who committed the outrage. The Natives' means of livelihood were cut down; fruit trees were destroyed. If you were absolutely certain that persons in that village had committed a murder, and would not give up the murderer, he thought it might be a legitimate and proper punishment. The arrangement for the protection of life ought to be in the hands of the Naval Commander-in-Chief, who was on the spot, who was, no doubt, selected for his ability and discretion, and who, he thought, would carry out this duty with more satisfaction to the country than Sir Arthur

Gordon, who was at so considerable a distance, could. Some legal officer would, of course, require to be associated with the Naval Commander in carrying out sentences. Commodore Erskine, the present Commodore in those seas, was well qualified to do what was necessary. On one point that officer differed from the views now put forward, but only because he thought that the performance of additional duties might interfere with his usefulness in discharging the duties already devolving upon him; and to meet that objection it might be necessary to increase the naval force under his command. France, for the maintenance of order at Tahiti, New Caledonia, and the Marquesas Islands, had 73 vessels and 11,000 men; whereas we had in Australia, in China, and on the West Coast of Africa no more than 39 vessels and 7,000 men. He made no charge against the Government; he only called on them to express some opinion with regard to this very difficult subject, and, perhaps, show that the present arrangement was better than that which he had suggested for the consideration of the House. He thanked the House for their kind reception of him, and hoped the Secretary to the Admiralty would give good reasons for the course the Government had taken.

SIR HENRY HOLLAND said, that he heartily concurred in the Resolution moved by the right hon. and gallant Admiral. He observed that reference was made in the Resolution to the safety of Her Majesty's subjects engaged in commerce, and the well-being of the Native races. He believed that the safety of Her Majesty's subjects depended mainly upon the well-being of the Native races. There was no doubt that cruelties of an abominable character had been committed upon the Natives of these islands by kidnappers, and that these cruelties had naturally irritated and excited the Natives, and endangered the lives of those who devoted themselves to Missionary work among the islands as well as of those who benefited the Natives by introducing among them an honest and profitable trade. It was for the purpose of checking this kidnapping that the Pacific Islanders' Protection Act was passed in 1872. He (Sir Henry Holland) was then in the Colonial Office, and necessarily took an active part in preparing and working

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out the details of that measure; and there was no part of his work in the Colonial Office to which he looked back with more satisfaction. That Act empowered certain officers and consuls to seize and detain suspected vessels, and provided for the trial of the offenders in the Australasian Courts of Law and in the Vice Admiralty Courts. The Act worked well and greatly checked these kidnapping outrages. But it was found desirable to have, if possible, a more direct and constant and local check upon these offences, and hence, when we had obtained Fiji, the Amending Act of 1875 was passed and the Queen was empowered to appoint a High Commissioner. This was a wise step in the right direction. Large powers were vested in the High Commissioner, and Sir Arthur Gordon, then Governor of Fiji—to whose merits as a zealous and able Governor he desired, in passing, to add his tribute to that given by the right hon. and gallant Admiral—was appointed High Commissioner. Sir Arthur Gordon exercised those powers satisfactorily so long as he was Governor of Fiji; but the question was whether he could continue to do so as Governor of New Zealand? This he (Sir Henry Holland) ventured to doubt. He thought it would be necessary, if the Acts were to be efficiently carried out, that the High Commissioner should be either the Governor for the time being of Fiji or the Naval Commander-in-Chief for the time being on that Station. If, however, it was decided to retain Sir Arthur Gordon as High Commissioner, he (Sir Henry Holland) would urge upon Her Majesty's Government to take steps for the appointment of one or more Deputy High Commissioners. He was disposed to think that legislation would be necessary for this purpose, but it would be of a very simple character. He doubted whether Her Majesty could now appoint a Deputy High Commissioner. The Act of 1875, 38 & 39 *Vict.* c. 51, only empowered her to appoint a High Commissioner; and though reference was made in the last paragraph of the 6th section to Deputy Commissioners, those Commissioners were only members of the Court of Justice established under the same section, and were not Deputy High Commissioners with the full powers attached to the office of High Commissioner. The powers of the existing Deputy Commissioners, as members of the

Court, did not extend as far as the powers vested in the High Commissioner, which he (Sir Henry Holland) thought ought to be vested in some officer, whether the Governor of Fiji or naval officer, nearer to the scene of action than New Zealand was. He trusted the subject would receive the careful consideration of Her Majesty's Government.

MR. TREVELYAN said, that the right hon. and gallant Gentleman had touched a great and complicated question, with regard to which he had made a very definite proposal—a proposal with which the Government found themselves unable to agree, but which they were very glad to discuss. Recent events had drawn public attention to the islands of the Pacific. Those events had excited strong feelings—feelings of indignation at barbarous outrages, of sympathy with fellow-countrymen who had been cruelly murdered, and of grave uneasiness and dissatisfaction at the necessary imperfections in the methods by which those outrages had been visited and punished. It was under the influence of those events that the right hon. and gallant Member had brought forward the Motion which stood in his name; but he could not but think that the impression which they had produced had given him a somewhat onesided view of a question which had many sides, though none, perhaps, as striking as that. For when he proposed to intrust a naval officer, and that officer our Commander-in-Chief in those seas, with the office and duties of High Commissioner, he could not but think he lost sight of the fact that the punishment of outrages by Natives was at present no part, and the prevention of conduct of Europeans which might tempt Natives to those outrages was only a part, of the duties of the High Commissioner. On that point Sir Arthur Gordon spoke positively. It was by no means “to see that Whites were protected from outrages by Natives” (p. 47), and but in a secondary sense “to protect Natives from outrages by Whites” (p. 47), that that Court was formed. He said—

“It was principally designed to provide means for the settlement of disputes between White men themselves and to prevent Her Majesty's subjects from breaking Her Majesty's laws. It was found that in Samoa, in Tonga, in the New Hebrides, and in other places small communities of British subjects were springing

up over which no Court had jurisdiction and no law had force. Debts were incurred, and the debtor could at pleasure evade his creditor's claim; contracts were entered into the performance of which could not be enforced; wills were made which could not be proved; disputes arose as to successions which could not be settled; crimes were committed which either escaped punishment altogether or were dealt with by a lynch law demoralizing to those engaged in it. It was primarily to remedy this state of things that the Deputy Commissioners' Courts, under the High Commissioner, were established at Apia and Nukualofa. It was, no doubt, also an object that the letter and spirit of the Western Pacific Acts should be carried out by Her Majesty's subjects and that the Court should enforce their strict observance; but no one who looked carefully at the Orders in Council can fail to perceive what was their primary object—the establishment of a Court to which British subjects who had no *locus standi* before any other judicial tribunal might resort."

If hon. Members would study the very voluminous Order in Council of the 13th of August, 1877, and the still more voluminous Schedule, they would find that the functions of the High Commissioner embraced the powers of every species of tribunal, civil and criminal, judicial and administrative, legal and equitable. It was impossible that a naval officer, with a naval officer's training, should face such a range of duties, so special and, at the same time, so multifarious in their nature. A Commodore who, in the intervals of inspecting quarters and putting his men through gun-drill, could deal with questions of partnership, questions of probate, questions of bankruptcy, questions of intestacy, would be a sea-lawyer with a vengeance. And if it was impossible, it was at the same time most unadvisable. He could hardly imagine anything more certain to distract an officer's mind from the very important cares which the safety of his ships and the security of his station demanded. And if, by some happy chance, the Admiralty secured an officer who had the legal knowledge which qualified him for the post, the mere fact of his being tied down to the head-quarters of his Court would be an immense disadvantage to the Service. Litigants who had business before the Court at Sydney would be hardly used if the exigencies of the Service required the High Commissioner to go on a four months' cruise to Western Australia. The main principle of naval administration was that our ships and our squadrons should be able to sail whenever and wherever they were ordered. The elasticity of

our Navy depended upon our vessels being always, as they were now, ready for war on a moment's notice in any quarter where need might arise; and to fetter the commander of four vessels on an important station with judicial duties which would cramp his movements as much as they would absorb his energies, would be contrary to the whole spirit on which our Service was conducted. And then there was another consideration which weighed with the Admiralty greatly, and that was that to appoint our Commodore High Commissioner would place him in a position with regard to the Colonial public in which, for every reason, it was inexpedient that a naval officer should be placed. Colonial opinion on some important matters was not English opinion. Nor did it always express itself after the fashion which was observed in English politics. He had seen something in India of the mode in which non-official British residents attacked an official, be he Judge or Administrator, who was supposed to deal tenderly with the darker races when their interests clashed with those of the White man; and it was a species of attack to which he did not desire to see our naval officers exposed. And as it was in India, so it had a tendency to be in other quarters of the globe. In January of this year there met an Intercolonial Congress at Sydney, composed of leading gentlemen from the different Governments of Australasia. There was no one under the rank of Colonial Secretary, Colonial Treasurer, Attorney General; and yet these gentlemen were pervaded with the feeling with regard to questions between the Native races and the British race, which never failed to prevail where those races came freely into contact. The Intercolonial Conference printed in the appendix to its Report a certain number of letters and articles from newspapers, and so gave those letters and articles, to speak very moderately, a certain stamp of authority. Now, it was well known to the House that Sir Arthur Gordon was High Commissioner, and Chief Justice Gorrie was Judicial Commissioner; and how were those high functionaries treated in those letters and articles which, after being printed in that Report, had become, as it were, the semi-official expression of Colonial opinion? The first letter was

from a Mr. Julian Thomas to the Secretary of the Intercolonial Conference. He said—

"Having lately returned from Fiji, I have seen the pernicious results of the Exeter Hall policy of Sir Arthur Gordon and Judge Gorrie, the High and Judicial Commissioners of Polynesia. I was witness of the supineness and indifference of the High Commissioner to the outrages committed. Native policemen have power to arrest White men on the most frivolous charges; and the insolence of the whole aboriginal race of the South Seas proves Sir Arthur Gordon's public statement that these are not the countries for White men."

And the next extract was from an article—

"Both these officials (Sir Arthur Gordon and Chief Justice Gorrie) have been for years playing to the gallery of Exeter Hall, and, no doubt, have acquired in Great Britain a great reputation for philanthropy, earned, as results show, at the cost of the blood of their countrymen. To try cases before Judge Gorrie is a mockery. The Colonies should join together to protest that the property and lives of their citizens shall no longer be at the mercy of the High Commissioner or his judicial assistant."

Now, he asked the House, and he asked the right hon. and gallant Gentleman, whether that was the sort of language which we should wish to see applied to the officer who commanded Her Majesty's squadron in those seas? Sir Arthur Gordon took these attacks in that spirit in which a high-minded man took all attacks which it was part of duty, and he might say a condition of his calling, to face. When a civilian administrator undertook such a post as that of Sir Arthur Gordon, he regarded that sort of criticism as all in the day's work. But it would be in the highest degree calamitous if the chief representative of the fighting power of England was to be abused twice a-week by two out of the three Colonial newspapers as a partial magistrate and a maudlin humanitarian. It was an ordeal which naval officers could not be called upon to face, and which they should not face either for their own sake or for the sake of the country. That was not the way to maintain the popularity of our Navy. But, without taking the strong step of making the Commodore a High Commissioner, there was still something to be done. The Intercolonial Conference, among other recommendations, made two that were specially worthy of notice. They resolved that—

"Extended powers should be conferred upon the High Commissioners for the punishment of Natives of the said islands for any crimes or offences committed by them against British subjects."

And Sir Arthur Gordon supported their view in his very powerful Memorandum of the 26th of February, which was a sort of comment on their Report. He said—

"Unless a jurisdiction were created competent to take cognizance of offences committed against British subjects in the Pacific beyond Her Majesty's possessions, the infliction of punishment on British subjects for outrages against Natives in the same regions was sure to excite on their part not unnatural irritation and a sense of being treated with injustice."

Well, that great question—for a very great question it was—was beyond the scope and power of the Board of Admiralty, though they took the strongest view in favour of a change of system. But there was another suggestion of the Intercolonial Conference to which they had directed their earnest attention—

"That the more frequent visits of Her Majesty's ships among the islands would have a beneficial effect upon the Natives, and tend to lessen in a great degree the crimes now so prevalent."

That suggestion was enforced in an excellent and moderate series of articles in *The Sydney Morning Herald*; and the Admiralty had despatched two vessels—the *Cormorant* and the *Beagle*—to cruise in and about the islands, visiting every mission and commercial station, with a civilian Deputy Commissioner, Mr. Romilly, on board. The Admiralty had likewise taken the same view as the right hon. and gallant Gentleman, to the effect that a naval officer should be appointed Deputy Commissioner, and that charge had been conferred on Captain Maxwell, who would now have, among other important powers, the all-important power of removing by deportation any British subject whose conduct was of a nature to produce or excite a breach of the public peace, from the neighbourhood where his presence was oppressive or dangerous. It was one thing for a naval officer to be High Commissioner himself, exposed to the fierce light which beat upon that post at Sydney or Wellington, and quite another to be a Deputy Commissioner on the high seas, with the redoubtable presence of Sir Arthur Gordon to stand between himself and public

criticism. In the words of Lord Northbrook's letter to the Colonial Office—

"My Lords were convinced that the influence of a sensible naval officer, whose duty is not confined to the distasteful task of punishment, but who can investigate and decide differences on the spot, will be more likely than any other measure gradually to produce a cessation of the serious outrages which seem to threaten the extinction of the valuable trade with the islanders."

That was what the Admiralty had done; for that lay within their own power. And Lord Northbrook's strong recommendation to the Colonial Office to obtain, if legally possible, authority to check outrages on the part of Natives by the course of law, instead of by acts of hostility, which too often confounded the innocent with the guilty, represented what the Admiralty, and he believed Her Majesty's Government, as a whole, regarded as at least a partial remedy for evils which could not be altogether remedied except by that policy of annexation to which hon. Gentlemen who most deprecated the severities and irregularities of the present system of retribution would, he imagined, be the last to urge them.

In reply to Mr. HOPWOOD,

MR. TREVELYAN promised to lay the despatches on the Table of the House.

ARMY (RECRUITING)—IRISH SOLDIERS.—OBSERVATIONS.

MR. BIGGAR said, his hon. Friend the Member for Queen's County (Mr. Arthur O'Connor) had given Notice that he would move—

"That, in the opinion of this House, recruiting for the Army should be suspended in Ireland pending the restoration of the constitutional liberties of the people of that Country;"

but he was mainly anxious, at present, to ascertain the number of Irish soldiers recruited into the British Army from time to time, their length of service, and the proportion sent to foreign countries. The Motion would be deferred until next Session. When his hon. Friend had raised the question on a former occasion, the Secretary for War promised him information in relation to it.

MR. CHILDERS said, what the hon. Member for Queen's County (Mr. Arthur O'Connor) had been promised was a Return showing the number of Irish soldiers as compared with English and

Scotch soldiers sent on foreign service for a period of five years; also the number on foreign service at present. He had not had time to complete the latter Return; but he could supply the former. It was very curious that the proportion of Irish soldiers to the whole Army was exactly the proportion of Irish soldiers sent abroad—22 and 23 in 100.

MR. BIGGAR said, he thought the answer would be satisfactory to his hon. Friend.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—ARMY ESTIMATES.

SUPPLY—considered in Committee.

(In the Committee.)

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £758,900, be granted to Her Majesty, to defray the Charge for the Superintending Establishment of, and Expenditure for, Work, Buildings, and Repairs, at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March 1882."

COLONEL ALEXANDER said, he wished to point out that while certain works in connection with the battery at Dover Pier had been estimated at £111,310, £136,210 had already been granted. Would the right hon. Gentleman give him an explanation of the excess?

MR. CHILDERS explained, that in general terms the excess was due to the great storm at Dover a year or two ago.

MR. BIGGAR said, it was a just ground of complaint that a very much larger sum was spent on fortifications in England and Scotland than in Ireland. He did not say that money should be spent simply for the sake of spending it; but he thought the amounts should be apportioned more equally. A very large sum was spent in protecting English seaports, and it was only reasonable that similar consideration should be shown for the Irish seaports. For that reason he should move to reduce the Vote by £50,000.

Motion made, and Question proposed,

"That a sum, not exceeding £738,900, be granted to Her Majesty, to defray the Charge for the Superintending Establishment of, and Expenditure for, Works, Buildings, and Re-

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pairs, at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March 1882."—(*Mr. Biggar.*)

MR. CHILDERS said, a very large sum had been spent on the fortification of Irish ports, and he did not think the amount had been inadequate.

MR. BIGGAR said, there was an enormous sum of money scattered over the English coast, and if money was to be thrown away, he did not see why Ireland should not have a share of it. He should not consider that an argument for giving money to Ireland; but it was an argument for curtailing expenses in England.

MR. CHILDERS replied, that Ireland should get its share of any money that was thrown away; but he did not intend to throw away any money. This Vote was merely for finishing off works which were nearly completed.

Question put, and *negatived*.

Original Question put, and *agreed to*.

(2.) £164,100, Military Education.

SIR WALTER B. BARTELOT wished to know how the examination of Militia officers had answered? He also observed that fewer commissions were now given both to those who passed through Sandhurst and also to those who entered through the Militia. One of the most difficult things the Secretary of State for War had to decide was whether the examinations were a fair and reasonable test of candidates' capabilities for the Service. He had known many men who had passed extraordinary examinations, and had got commissions, and were certainly not first-class officers, while many others who had not passed would have made far better officers. In that way many men who would have made first-class soldiers had failed to obtain commissions.

MR. CHILDERS said, he agreed with the hon. and gallant Baronet on the last point, for what he had to do was to see that the examination was the best possible test, not merely of literary powers, but of fitness for the Service; but that was a most difficult matter. He had not been able to go thoroughly into the matter yet; and all he had been able to do was to lay down certain questions to be put, and to throw out suggestions, such as that about modern languages, in regard to which he had laid Papers on

the Table. He hoped, however, during the autumn and winter, to go thoroughly into the question of the best examination both for the Line and the Militia; and he would rather not speak more definitely now, because it was a very large question. With regard to officers passing from the Line to the Militia, his own impression was that the present system was within limits not unsatisfactory.

SIR ALEXANDER GORDON said, he was glad to hear that the right hon. Gentleman intended to consider the examination question, and hoped he would also consider the doing away with such requirements as poetry. He knew of many young gentlemen eminently qualified for the Army, who had been rejected because they were not strong in the *Faerie Queen* and other poems. He wished to know whether there was to be any further change with regard to the number of candidates for commissions?

MR. CHILDERS said, there would not be any reduction in the number beyond the extent already notified.

COLONEL ALEXANDER inquired whether candidates for commissions in the Infantry received any instruction in the use of the sword, in single-stick, and fencing? That was a most important matter, for our officers generally were the worst swordsmen in Europe. Scarcely one of them knew how to use his sword. The men were the worst shots, and the officers were the worst swordsmen; and he did not know how they could be otherwise when they received no instruction.

MR. CHILDERS observed, that when he was at school fencing and single-stick and drill were commonly taught to boys of his own rank of life; but he was afraid that no progress in this direction had been made lately. He should like to see this instruction more common, and he would make a note of the matter.

SIR HENRY TYLER thought the statement of the hon. and gallant Gentleman (Colonel Alexander) should not go uncontradicted. Having been in the Army himself, and having constantly engaged in single-stick exercise, he was able to contradict that statement so far as a great number of the officers were concerned; but he thought riding and swimming ought to be more generally required.

MR. ARTHUR O'CONNOR mentioned that this Vote included the Royal Military Academy and the Staff College, and drew attention to the fact that in the former metaphysics were taught, and in the latter French, drawing, fortifications, mathematics, and half-a-dozen other subjects; but there did not appear to be any instruction in military administration. If they compared what was done at the British Staff College with what was done in the German Army, or in the Military Schools of France, they would see that there was a good deal that was entirely left out in the programme of this country. The science of military administration was absolutely neglected, so far as the appointment of a Professor was concerned.

MR. CHILDERS said, there was a Professor of Military Administration at the Staff College. There was none at Woolwich or Sandhurst. He quite agreed with the hon. Member that the question of military administration was of considerable importance.

MR. ARTHUR O'CONNOR asked if it would be possible to obtain a programme of the studies showing the curriculum for particular years at the Staff College?

MR. CHILDERS said, he had no objection to show the hon. Member the Report on the College if he wished to see it.

MR. BYRNE wished to say a few words in regard to the manner in which the Royal Hibernian Academy was conducted. He thought that some of the officers of the School were overpaid, while the pay of others was not fairly or properly adjusted. In the first place, he found that the Commandant had altogether failed to give satisfaction either to the people of Ireland or to Her Majesty's Government. Questions had been asked in the House of Commons in reference to that gentleman; and he thought he was correct in saying that the answers given by the right hon. Gentleman the Secretary of State for War were not only not satisfactory to the House, but that they were not satisfactory to the right hon. Gentleman himself. He believed the reason was that the right hon. Gentleman had not as much or as complete control over the Institution as he would like. The conduct of the Commandant in connection with the discipline of the School had

several times been called in question; not that the officer in question was not a good commandant or a good governor, but because his treatment of the children was alleged to have been very brutal indeed. In some instances he had had the children stripped from head to foot, and flogged with some instrument he had brought from abroad. In one case, this species—this inhuman instrument—of torture was stolen by the Commandant's daughter, in order to prevent it from being used. The Commandant, however, charged the boys with stealing it, and beat them with such barbarity that the daughter, in order to save the boys, had to confess that she had taken it away. He believed that the Commandant had failed to give satisfaction to anyone in Ireland, and his conduct ought not to be passed over by Parliament. He received half-pay and 9s. 6d. a-day, and for such an amount of remuneration they ought to be able to secure the services of a humane officer who had not lost all his humanity, and who would render proper services. The Commandant also received half-pay as an Adjutant; and he (Mr. Byrne) was of opinion that the multiplication of offices in this way in the same individual was unsatisfactory. Then, again, he found, in reference to the chaplains, that while the Protestant chaplain received £200 a-year, the Roman Catholic chaplain only got £150, and the Presbyterian £60. He thought that such a disproportion was highly improper. He would venture to say that the number of Protestant children was not larger than that of the Roman Catholic children; and, at any rate, so long as they employed chaplains of different denominations, they ought to provide that their remuneration was the same. All the chaplains who administered to the spiritual wants of the children ought to be equally paid, and a sum of £60 a-year to the Presbyterian chaplain was certainly not sufficient to pay him for his time and trouble. If there was a sufficient number of children to require the attendance of a Protestant chaplain, the Government should provide that the chaplain was remunerated at the same rate as the Protestant chaplain—£200 a-year. Having regard to the want of humanity displayed by the Commandant, and the unsatisfactory manner in which that officer performed his

duties, he would move the reduction of the Vote by the sum of £216 18s. 8d.

Motion made, and Question proposed,

"That a sum, not exceeding £163,883 1s. 4d., be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for Military Education."—(*Mr. Byrne.*)

MR. CHILDERS said, he agreed with the hon. Member in some of the remarks he had made as to the different rate of remuneration awarded to the chaplains of different denominations; and he had already stated, in reply to an hon. and gallant Member opposite, that, in regard to responsibility for these appointments, he thought a better arrangement might be made than that which now existed. But, at the same time, it was not possible to dispose of such a matter as the government of Kilmainham School at a moment's notice; and he could not undertake to say, on the spur of the moment, that he should be prepared to make an entire revision of the arrangements under which the Institution referred to was conducted. Passing from the general principle to the particular case the hon. Gentleman referred to, he believed that the state of the discipline of the Royal Hibernian School was not considered satisfactory by the military authorities last year; and Sir Thomas Steele, who was Vice-Chairman of the Governors, had in November appointed a Committee of Governors, presided over by that most admirable public servant, Sir Patrick Keenan, to examine into the state of the School, with reference particularly to the discipline administered by the Commandant. He had received their Report in the course of the spring, and, after careful consideration, he had come to the conclusion that it was not satisfactory—in fact, that it disclosed circumstances which were most unsatisfactory. It was accordingly sent back to the whole body of Governors for their consideration with reference to the facts disclosed in it. The Governors took great pains in going thoroughly into the whole question contained in the Report, and the end of the matter was that they—including the members of the Committee who made the first inquiry—unanimously reported that, although, in some respects, the Commandant had not been successful in carrying out the discipline

of the School, yet, on the whole, he had made great improvement in the state of things which existed before he became Commandant. The Governors, therefore, recommended that he should be retained as Commandant until they had further experience of his efficiency. That was the unanimous recommendation of the whole body of Governors, including the three gentlemen who made the original inquiry. Upon that recommendation he (Mr. Childers) had felt it his duty to act, and the Commandant had been provisionally continued in his office. He (Mr. Childers) had taken very great pains in the matter, having read the whole of the Report and Evidence, and he had not come to this conclusion without being supported by those who generally advised him in such matters. He therefore hoped, under the circumstances, that the hon. Member for Wexford (Mr. Byrne) would not press his Motion for the rejection of this item. If, after further experience, the conduct of the Governor was still found to be unsatisfactory, he would be removed. In regard to the emoluments of this officer, he thought the hon. Member was mistaken. As a rule, the gentlemen selected for these appointments were not old officers who had been retired; but they were paid in the same way as officers in the Army holding Staff appointments. As to the chaplains, the hon. Member stated that the Protestant chaplain received £200, and the Roman Catholic chaplain £150 a-year. The salary of the Protestant chaplain was originally £231, and it was now, in the present year, £200. The Government considered that that was a very fair salary, having regard to the duties performed. He believed, but he was not quite sure, that the Presbyterian chaplain was a gentleman who was engaged in the performance of other duties, and that the number of boys under his charge was very few.

MR. BYRNE said, he was much obliged for the courteous and full explanation of the right hon. Gentleman. He understood the right hon. Gentleman to say that in future he would make himself responsible for watching the conduct of the Commandant, and seeing that he did not commit any of the barbarous acts he had been charged with persistently committing. After the explanation of the right hon. Gentle-

man, he would withdraw the Amendment.

Motion, by leave, *withdrawn*.

MR. OTWAY thought the hon. Member for Wexford (Mr. Byrne) could take no other course than that which he had taken, after the statement of the right hon. Gentleman the Secretary of State for War. But, at the same time, he wished that his right hon. Friend had been able to say a little more. He thought the right hon. Gentleman should insist on the entire abolition of punishments of this kind. It was a mistake to suppose that the boys of a British soldier could not be managed as other boys were. Nor was this sort of punishment given in all cases to English boys. They had, side by side, two Schools, in which the system pursued was entirely different. In one of them—and the boys educated in it were not inferior to those of any other school—no boy was allowed to be struck by anybody. The instruction given to a Sandhurst boy was that if he was ever struck he was to strike again, and no sergeant dare lay a hand upon him. It was absurd to tell the House that an English boy could not be managed without the use of the stick. He, therefore, hoped that his right hon. Friend would go a little beyond the statement he had made, and would see that in future the education in the Military Schools was conducted without corporal punishment, so that a stop might be put to this barbarous system of flogging.

MR. CHILDERS said, that the general use of corporal punishment in the School was the special subject of complaint.

MR. BYRNE said, he had never in the past, and would never in the future, make a statement which he did not believe to be entirely capable of proof. If the right hon. Gentleman would direct an inquiry to be made, he would undertake on behalf of his hon. Friend the Member for Wicklow (Mr. M'Coan) to bring evidence forward in substantiation of all the charges which had been made, and to show the brutal conduct of this gentleman.

MR. CHILDERS stated that the case had already been thoroughly investigated, and the result was the censure upon the Commandant, which he had already explained.

MR. ARTHUR O'CONNOR remarked, that there was something which

sank deeper into the mind of a boy than a blow, and that was words of opprobrium and insult. There was no doubt that in this case the Commandant had flagrantly offended, and the accusations against him had been repeated in every quarter of Ireland, until an amount of feeling had been excited against him which it was impossible to over-estimate.

MR. CHILDERS said, that if any further serious complaint of the kind was made, and it could be proved, he could only say that the Commandant would not be allowed to retain his position.

Original Question put, and *agreed to*.

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £40,100, be granted to Her Majesty, to defray the Charge for Miscellaneous Effective Services, which will come in course of payment during the year ending on the 31st day of March 1882."

SIR ALEXANDER GORDON asked the Secretary of State for War, if he could explain the reason why the expenditure on this Vote for 1879-80 was nearly double the amount of the expenditure in the three preceding years? In 1878, it was £27,000; in 1879, £28,000; and in 1880, £23,000; and they were now asked to vote more than £40,000.

MR. CHILDERS said, he had not got with him an account of the expenditure for the last two or three years; but the increase this year had reference to services in South Africa.

SIR ALEXANDER GORDON said, there was a sum of £5,000 for extra batta, which had nothing whatever to do with the war.

MR. ARTHUR O'CONNOR wished to take up as little of the time of the Committee as he possibly could; but having last night given a silent vote when the hon. Member for Northampton (Mr. Labouchere) moved the reduction of the Vote, he did not wish to repeat that step upon the present Vote. At the same time, he had no desire to do more than satisfy his own conscience; and he would, therefore, content himself by moving the reduction of the Vote by the sum of £6,360, as a protest against the Contagious Diseases Acts.

Motion made, and Question proposed,

"That a sum, not exceeding £33,740, be granted to Her Majesty, to defray the Charge for Miscellaneous Effective Services, which will

come in course of payment during the year ending on the 31st day of March 1882."—(*Mr. Arthur O'Connor.*)

MR. CHILDERS said, he must oppose the reduction of the Vote; and in regard to the question asked by the hon. and gallant Member for Aberdeenshire (*Sir Alexander Gordon*), said he had ascertained that the reason for the increase of the Vote was as he had stated—namely, that there had been a large expenditure in connection with the war in South Africa.

Question put.

The Committee divided:—Ayes 11; Noes 53: Majority 42.—(*Div. List, No. 355.*)

Original Question put, and agreed to.

(4.) £222,200, Administration of the Army.

(5.) £34,000, Rewards, &c.

SIR WALTER B. BARTELOT wished to put a question to the right hon. Gentleman the Secretary of State for War in regard to colonels who were retired when in receipt of distinguished Service pay. Would they be allowed to retain that pay? He had also understood the right hon. Gentleman to say the other day that a colonel who was retired, and who had a prospective claim to a regiment, would receive the actuarial calculation of his chance of obtaining such regiment.

MR. CHILDERS said, he would answer the hon. and gallant Member on a later Vote.

Vote agreed to.

(6.) £129,700, Half Pay.

(7.) £1,054,700, Retired Pay.

SIR WALTER B. BARTELOT thought he would now be in Order in raising the important question he had referred to a few moments previously. It was a question in which a large number of officers were interested, and many of them were looking forward with anxiety for the statement which the right hon. Gentleman might make as to the amount it was intended to award, and the way in which the New Warrant was to be carried out. He would first take the case of the colonels; and he wished to know whether the case of those who had a claim to become prospective colonels of regiments would be taken

into consideration? Would an actuarial calculation be made as to the sum they would in that case have become entitled to? The next question he wished to put had reference to the case of generals who were compulsorily retired, not on account of age, but on account of not having been employed for five years. He knew of one or two instances in which generals so retired were quite young men, and they found themselves mulcted of £10 per annum for every year they were under 62 years of age, so long as the amount did not exceed £100 in the whole. He understood the right hon. Gentleman to say that he would consider the point with the view of providing that when such officers reached 62 years of age they should receive the same amount as if they had been retired at that age—namely, £700 per annum. Many of these officers, as the right hon. Gentleman knew perfectly well, would be rather hardly dealt with under the New Warrant. They would be hardly dealt with in this way—that, being young, they had not been employed as they might have been, older officers having been selected in preference to them, simply because they were older officers. Therefore, some consideration ought to be given to their case. Then there was the case of officers who were retired at the age of 70 by the Warrant which was passed in 1877. There were not many of them—he believed not more than 12—but the officers who had been so retired had been looking forward with hope to the arrival of the time when they might get regiments. But regiments were scarce, and they had been retired on an allowance of only £450 a-year. Those who were fortunate enough to obtain a distinguished service pension had £100 a-year extra, or a pension of £550 a-year; but there were generals who had only £450. And he wished to ask the right hon. Gentleman whether, in fairness to these men, he did not think the case was one which ought to receive serious consideration? He knew one officer who, after 50 years' service had been compulsorily retired on £450 a-year, with a distinguished service allowance in addition of £100 a-year. And this officer had always been on full pay, and repeatedly on active service. Where there was the prospective chance of obtaining a regiment, he would ask the right hon. Gentleman to

consider whether some allowance should not be given beyond the compulsorily retired pay of £450 a-year. Some of the more fortunate brethren of these officers, retired now under the New Warrant, would receive £700 per annum.

MR. CHILDERS: My hon. and gallant Friend has stated the two cases quite clearly. In the first case, that of the senior colonels whose case is specially provided for by the Warrant of 1877, but who will not be promoted under this New Warrant, they will be allowed such a rate of retired pay as will represent the full actuarial value of their prospect to obtain an honorary colonelcy of a regiment. Each case will be referred for calculation to the Purchase Commission. Therefore, I answer that question in the affirmative. The second question which my hon. and gallant Friend has asked me has reference to the case of general officers who have retired at less than the fixed age of retirement under the clause which relates to non-service, and who have a certain deduction made from the amount of their fixed retired pay. He asks me if it is true that since that scheme was laid down we propose that they may receive the full amount of retired pay when they reach the maximum age? Yes, Sir, we have determined that that shall be so, and I believe that the change will remove a great deal of heartburning on the part of general officers subject to retirement. Thus, major-generals will get their full rate of retired pay when they reach the age of 62. I believe that that is a fair and equitable arrangement. The third question asked by my hon. and gallant Friend is this, whether an officer retired under the Warrant of 1877, and who receives the present rates of unattached pay, will have a prospective chance of the value of a regiment? Certainly; he will have not only the prospect, but the £1,000 a-year in his turn, precisely as now. But I could not go back as to such officers and give them the choice of the new rates of retirement.

SIR WALTER B. BARTELOT said, he did not think that his right hon. Friend had quite understood the question. What he had put was the case of those who chose to accept the scheme of retirement; and he had simply asked whether they would have any chance of getting an actuarial calculation of their pros-

pects of getting a regiment. He asked the right hon. Gentleman to consider that point, and by allowing them an actuarial calculation give them a chance of getting the £1,000 a-year, or such addition to their pay as such a calculation would entitle them to.

MR. CHILDERS: I am not sure that I quite understood the exact proposal, but I will consider it.

MR. BIGGAR said, that some time ago he had asked a question as to the pensions of officers who had been placed on half-pay. The reply of the right hon. Gentleman was that, legally speaking, the officer was not entitled to a pension. He wished to know whether the Government would reserve to themselves the right of conferring upon these officers the rights they were entitled to if they had not been placed on half-pay?

MR. CHILDERS: The case has been most carefully considered, and, as I have already stated, it was treated in a purely judicial manner.

MR. BIGGAR expressed a hope that no reflection was cast upon the half-pay officers of their having displayed any want of zeal in the Service.

MR. CHILDERS: Certainly; I did not look upon the question in that light. I did not understand that anything underlay the bare fact that they had been placed on half-pay.

Vote agreed to.

(8.) £124,200, Widows' Pensions.

COLONEL ALEXANDER asked whether the widow of a quartermaster who died with the rank of a captain would receive the pension of a captain's widow, and whether the widow of a quartermaster who died with the rank of a major would receive the pension of a major's widow?

MR. CHILDERS said, the widow of a quartermaster who held the rank of a major while serving would receive the pension of a major's widow.

COLONEL ALEXANDER remarked, that it was an important point, and many officers were anxious about it. He hoped the right hon. Gentleman would be able to give a definite answer before the close of the Session.

MR. CHILDERS said, he would make inquiry, and take an opportunity of answering the question on the Report.

Vote agreed to.

Sir Walter B. Bartlelot

(9.) £17,000, Pensions for Wounds.

(10.) £33,900, Chelsea, &c. Hospitals.

Mr. CHILDERS said, he was now able to answer the question which had been asked by the hon. and gallant Member for Ayrshire (Colonel Alexander). In the case of a quartermaster, riding-master, &c., the pension of the widow would be according to the relative rank of the officer while serving.

Mr. ARTHUR O'CONNOR said, that upon the present Vote for Hospitals the hon. Member for Louth (Mr. Callan), two years ago, drew the attention of the Committee and of the then Secretary of State for War to the disparity between the remuneration paid to the Roman Catholic chaplain of the Chelsea Hospital and that paid to the Protestant chaplain at Kilmainham. In the first case the salary was £400 a-year, the principal inmates being Protestants, the Catholic chaplain only receiving a 16th part of that sum; but in the case of Kilmainham, where the great proportion of the inmates were Catholics, the Catholic clergyman only received £60 a-year, as compared with £400, notwithstanding the fact that the Catholic inmates of the latter hospital were four times as many as those which the chaplain of the majority had to deal with in the Chelsea Hospital. He understood that the right hon. Gentleman the Secretary of State had promised to make an inquiry as to the number of Catholics and Protestants in the two Institutions, and to see whether in future some arrangement might not be carried out by which something like an equitable proportion should be maintained between the salary and the number of inmates attended religiously.

Mr. CHILDERS: The stipend of the Roman Catholic chaplain in Chelsea Hospital was brought under my notice, and the allowance has lately been increased. Some questions were raised at the same time as to the facilities for attending Mass, especially in the case of children; and I believe the requests that were made have been acceded to. We are endeavouring, as far as possible, to act impartially towards the chaplains of different religious creeds.

Mr. ARTHUR O'CONNOR stated that a representation was made to the War Office some time ago as to the inadequacy of the allowance made, not to

the priest personally, but on account of the fact that the priest was compelled to keep a curate owing to the existence of the hospital in his parish. If it were not for the existence of the hospital in the parish a single priest would be sufficient to perform all the duties; but because the hospital did exist there, the duty was imposed upon the authorities of the Catholic Church of seeing that the Chelsea priest had a curate. He thought it was hard upon the Catholics of London that they should be saddled with the extra expense of providing a curate for a particular parish to do work for which the small remuneration of only £25 a-year was allowed by the State. [Mr. CHILDERS: The allowance has been increased.] That was not all. His main objection to this Vote was that while in London, where the majority of the inmates of the hospital belonged to the Established Church, the Protestant chaplain was allowed £400 a-year, and the chaplain of the minority only £25, in Ireland, in a similar hospital, where the majority of the inmates were Roman Catholics and the minority Protestants, the chaplain of the minority got four times as much as the chaplain of the majority. That was considered in Ireland to be a great grievance. The mere amount of money was not of very much consequence; but it was the feeling of religious ascendancy which was involved, and which, until every trace of it was removed, would continue to work like a canker in the minds of the Irish people.

Mr. CHILDERS: The present allowance to the chaplain at the hospital has been £250 per annum, but it is intended to reduce it. The allowance has only been provisional. The question of appointing chaplains to attend small numbers of men where a regular military chaplain is not necessary has always been one of considerable difficulty. This very day, it so happened that I had before me the question of chaplains in the Mauritius, where very few men required the attendance of clergymen, and I have been careful not to disturb vested interests, which happen here to be Roman Catholic. The hon. Gentleman may rest assured that the whole matter will be fully and fairly considered.

Mr. ARTHUR O'CONNOR said, he was sure the right hon. Gentleman was the last man in that House to allow his own religious views to affect the distri-

bution of the allowances of the State. He hoped, when the opportunity served, that the right hon. Gentleman would revise the present scale of allowances and render them more equitable. It was manifestly unjust that a Protestant chaplain should receive a larger rate of remuneration than a Roman Catholic chaplain, when the latter was attending to the spiritual wants of a much larger number of persons.

MR. CHILDERS said, that where allowances were made to ministers, not regular Army chaplains, the rates were the same for all denominations.

Vote agreed to.

(11.) £1,386,500, Out-Pensions.

(12.) £202,200, Army Superannuation Allowances.

(13.) £37,400, Militia, Yeomanry Cavalry, and Volunteer Corps.

MR. BIGGAR said, the people of Ireland considered it very unreasonable that a sum of money should be annually voted for a Volunteer corps in England and none in Ireland. Some hon. Members were decidedly of opinion that there ought to be a Volunteer force in Ireland. At the same time, in the absence of such a force, it was a substantial injustice that the Irish people should be called on to bear a large proportion of the taxation for Volunteers. He did not see why a grant of this nature should be given to Volunteers in England when there was no corresponding force existing in Ireland. Then, in regard to the Yeomanry Cavalry, he thought they were all agreed that the money voted for that service was not required. The Yeomanry Cavalry were mostly farmers, who met together once a year for some seven days' drill. They were not soldiers at all, and would never make soldiers. He would, therefore, move the reduction of the Vote, unless he received a satisfactory explanation from the right hon. Gentleman the Secretary of State for War.

MR. CHILDERS said, the Vote was for pensions, not for services rendered by existing officers and men, and he trusted the hon. Member would not move the rejection of any part of it. A farmer, or even a provision merchant, might be a useful member of a Yeomanry corps.

Mr. Arthur O'Connor

MR. BIGGAR said, he could only look upon the member of a Yeomanry Cavalry corps as a tailor on horseback. Most of them when out for drill got thrown from their horses. But, as the right hon. Gentleman had pointed out, these persons were not responsible for the weakness of their organization, and therefore he would not divide against the Vote.

MR. BYRNE wished to ask a question in regard to the Militia in Ireland. He understood that it was owing to the Militia not having been called out—

THE CHAIRMAN: Order, order! I must remind the hon. Member that this Vote is simply for pensions for the Militia, and has nothing to do with the organization of that force.

MR. BIGGAR asked if no question could be put in regard to the Militia?

THE CHAIRMAN: It would not be regular upon this Vote; but if it were only a simple question, not likely to lead to discussion, perhaps the Committee would allow it to be put.

MR. BYRNE said, he was desirous of asking the question, because the right hon. Gentleman the Secretary of State for War had hitherto been so courteous in giving information, and it might prevent the question being asked at another period. The Militia in Ireland had not been called out this year, and the consequence had been that a number of gentlemen had been deprived of the opportunity of serving for a sufficient period to qualify themselves for becoming officers of the Line. He wished to know whether any steps would be taken to place them in the same position they would have occupied if the Militia in Ireland had been called out this year, and whether provision would be made that they would not suffer?

MR. CHILDERS: I have done my best to meet the case referred to by the hon. Member. In some instances the officers have been excused from undergoing the full period of training, and in other instances they have been allowed to train with other regiments, so that practically we have met the case.

Vote agreed to.

MR. CHILDERS: I propose now to take two items in the Supplementary Vote which I explained last night, and which has reference to the expenditure in South Africa to the end of the year.

(14.) £1,100,000, Army (Indian Home Charges).

(15.) £30,000, Supplementary Estimate, Pay, Allowances, &c.

(16.) £290,000, Supplementary Estimate, Provisions, &c.

SIR WALTER B. BARTTELOT asked whether this was a liberal Estimate, and would cover the whole of the expenditure to the close of the year? He also wished to know what number of troops it was proposed to withdraw from South Africa on the 1st of November, or about that time?

MR. CHILDERS: The Estimate is framed—I do not know whether “liberally” is the right word—on such accurate information as the Department can obtain; but, of course, these things are often merely conjectural. I am not quite sure that I can state at present the number of troops that will come home.

MR. ARTHUR O’CONNOR said, he did not propose to move the reduction of the Vote, or to oppose it in any way; but this was the last opportunity he would have this Session of protesting against the manner in which Vote 10 of the Army Estimates had been passed this year—absolutely without any discussion at all upon the merits of the items which went to make it up. It was introduced by the right hon. Gentleman the Secretary of State for War at 10 minutes past 1 o’clock in the morning in an attenuated House, when not more than five Members were conscious that it involved the voting of millions of money. He had strongly protested, in general terms, against the propriety of introducing such a Vote on such a miscellaneous collection of subjects at such an hour and in such a state of the House. The money was at last voted, but without anything in the nature of criticism of the component parts of the Vote. The services which the Vote covered were never properly canvassed this year any more than they had been in previous years. He mentioned the matter only for the purpose of entering a further protest against the system upon which the Estimates were voted.

MR. CHILDERS: I regret that there was not a full discussion; but the circumstances of the present year have been such that I hope some allowance will be made.

Vote agreed to.

CIVIL SERVICES.

CLASS III.—LAW AND JUSTICE.

(17.) £36,281, to complete the sum for Law Charges.

MR. ARTHUR O’CONNOR said, that before the Vote was passed he wished to put a question, but he did not see anybody present to whom he could put it. The noble Lord the Financial Secretary was an efficient and exemplary public officer; but it would be scarcely fair to question him upon a purely Legal Vote. He would, however, ask the noble Lord one or two questions. First of all, in regard to the Note on page 173, in regard to the alteration of the system of accounting for the expenditure. He wanted to know if the noble Lord could explain why the regular practice had in this case been departed from? The second question was, why the allowance of the War Office Agent at Malta of £75 had been considerably increased; whether the increase had anything to do with the purchase of land at Malta; and, if so, whether he had been officially concerned in a question of the purchase of land at Malta, which for two years or more had kept a number of persons very busily engaged in an extensive correspondence, and whose want of business habits was brought more than once before the Public Accounts Committee? The first question came under sub-head J, in connection with the revision of the Statute Law, and as the consolidation of the statutes had been undertaken, he would like to know from the noble Lord what was the state of the work. The allowance for that purpose had, he perceived, been increased from £150 to £250. If he were not mistaken, he was under the impression that the work was to have been completed before the present date, and for a less sum than had been already voted.

LORD FREDERICK CAVENDISH said, the first question related to the expenditure for criminal prosecutions and quasi-criminal proceedings. It was now the practice to give the net charge in criminal cases, and it had been found desirable to apply the same rule to legal proceedings other than criminal. With regard to Malta, he did not know whether the item referred to had any connection with the purchase of land in that island; but he would ascertain before

bringing up the Report. He believed that the Statute Law Commissioners were doing useful work. Every year a Bill was brought in for the repeal of obsolete statutes. There was one on the Paper now, which he hoped hon. Members would allow to become law during the present Session. Thanks to the labours of the Commission, it was hoped before long that we should have all our statutes in an accessible form. The work was proceeding rapidly, and there could be no doubt that it was being done most usefully.

MR. WARTON said, they all knew that the work of revising the statutes had been going on for several years, and he would not say that what had been done had not been done fairly. But the Bills that were introduced in successive years were really Bills to enable the rules of Court to override the rules that already existed in the Statute Law.

MR. BIGGAR asked for an explanation of a material increase in one of the salaries mentioned on page 175. The increase appeared to be from £100 to £260 per annum.

LORD FREDERICK CAVENDISH said, the hon. Member would see in the Votes for the Legal Departments many similar instances. They arose from the fact that these various Legal Departments had undergone extensive re-organization, and the salaries had been put upon a more satisfactory footing. It had been thought right to introduce a new scale of salaries altogether.

Vote agreed to.

(18.) £2,021, to complete the sum for the Public Prosecutor's Office.

MR. BYRNE asked for an explanation in regard to the item for a Messenger on page 176. This year the sum appeared to be £75; but last year it was £450. Was that a saving? Was the salary really reduced to £75?

LORD FREDERICK CAVENDISH said, the office was newly established last year. The allowance of £450 was found to be more than was necessary, and therefore it had been reduced.

MR. WARTON desired to call the attention of the Committee to the broader topic of the appointment of a Public Prosecutor. He wished to know whether the Government really did believe in a Public Prosecutor or not; be-

cause, if they did believe in him, why did they not carry out the Act of 1879, which required that six assistants should be appointed to assist the Public Prosecutor? If, on the other hand, they did not believe in a Public Prosecutor, why not abolish the office at once? The present Public Prosecutor had one assistant instead of six; but owing to the inaction of the Government, and the difficulty they experienced in making up their minds, he had nothing to do. But for the personal weight and influence of the late Recorder of London, Mr. Russell Gurney, and the feeling of respect entertained for him, no Public Prosecutor would ever have been appointed, and up to the present time the Public Prosecutor had, practically, done nothing. He had nothing to say against the gentleman who held that office, personally. He was known to be a very able man indeed; but he wanted to know from the Government if it was intended to continue the office, and, if so, when they intended to give real and thorough effect to it? At present, there were a number of Societies which took upon themselves the duty of instituting prosecutions—a most improper principle, and one which he strongly doubted ought to be allowed to exist. They owed their existence to the absence of a Public Prosecutor; and now that there was a Public Prosecutor, they still existed, and were flourishing, while the office of Public Prosecutor was in practical abeyance. He asked the Government if they intended to continue the office to make it a reality, and not a sham.

THE SOLICITOR GENERAL (Sir FARRER HERSHELL) said, his hon. and learned Friend was under a misapprehension in regard to one fact, and that was in supposing that the staff of the office was less than it was intended to be when the Act of 1879 was passed. The Act of 1879 was passed at the instance of the right hon. Gentleman the late Home Secretary (Sir R. Assheton Cross), and the staff which now existed was the staff appointed by the right hon. Gentleman, which he considered, at the outset, to be sufficient, and which he appointed in that belief. Therefore, if anyone was to blame for there not being a larger staff, it was the right hon. Gentleman who dealt with the matter when the office was created, and whose Bill it was that created it. He (the Solicitor

General) was prepared to say at once that he did not consider that this office of Public Prosecutor was in a satisfactory condition. He did not think it did all the good it might do, although it could not be denied that it had done some good. He would at once say that he thought it not only needed looking into and being thoroughly investigated in order to render it efficient, but, he might add, that it was the intention of the Government to make such an investigation. The matter had not escaped notice, and was seriously engaging the attention of the Government. As regarded the appointment of a Public Prosecutor, it was a matter upon which considerable difference of opinion had existed, and there were many people who considered that it was desirable to have a person filling that office who, nevertheless, did not believe that it was desirable that the whole of the prosecutions of the country should be taken from the hands in which they now were, and be turned over to a single department which should have entire control over the whole of them. That was a scheme which had often been advocated; but it was a scheme which would lead to very great expense without largely increasing the efficiency of the work. It was found impracticable to deal with the large number of persons who had a vested interest in opposing such a scheme, and he was not prepared to say that it would be of very much use if it were carried out. But it was found, under the old system of prosecutions, that in many cases which were brought into Court, there was a grievous failure of justice, because it was the business of no one to see that the prosecution was instituted, or, when instituted, that it was fully carried out. Many cases were dropped or compromised, and it was to remedy that evil that the Act of 1879 was passed, and the office of Public Prosecutor created. It was to provide that prosecutions should be proceeded with, and not compromised. In that respect, he believed the creation of the office had unquestionably been of some use. He admitted that it had not been of as much use as was originally anticipated; but he believed that it might be rendered still more useful, and it would be the endeavour of the Government to see that it was made fully effective. It was essential that some officer

of the kind should exist, whose duty it should be to see that offences did not go unpunished, and who should insist, as the Public Prosecutor had insisted, on a prosecution going on where it would otherwise have been abandoned by persons who cared only for their own interests, and who would willingly have dropped it for the sake of gain to themselves. He did not believe that the office had been as efficient as it might have been, or that it had done all the work that might have been expected from it; but he could assure the hon. and learned Member for Bridport (Mr. Warton) that the matter would not escape the attention of the Government.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

Mr. BROADHURST asked for a Return showing the number of prosecutions conducted by the office of Public Prosecutor. The office had been in existence for two years; and, so far as he was aware, no information whatever had been given as to the work performed there. If the office was to be retained, he thought it was not too much to ask for the Return he had alluded to.

Mr. H. H. FOWLER said, he was exceedingly obliged to the hon. and learned Member for Bridport (Mr. Warton) and the hon. Member for Stoke (Mr. Broadhurst) for raising this question. There was a Public Prosecutor, but no public prosecutions; in other words, they were paying £4,000 and getting nothing for it. He did not wish to say that the office was a sinecure; but it was something very much like it. The Solicitor General having expressed great dissatisfaction at the present state of affairs, he trusted he would follow the matter up and institute a thorough reform.

Mr. WARTON thought that the statement of the hon. and learned Solicitor General, as indicating the intention of the Government, was, to a great extent, satisfactory; but it did not in one respect quite meet the objection he had raised. He had pointed out that there was only one assistant at the office at the time it was started; and that, although two years had elapsed, there was no increase in this respect. That was one of those little things which showed how matters were going on. Hon. Members

would see that the expenses this year had dwindled to one-third of the former amount, which was quite enough to show that the office itself was dwindling away. He thanked the hon. Member for Stoke for his very practical suggestion that a Return should be given of the number of prosecutions.

MR. COURTNEY wished to point out that, after all, something more had been done in the office than hon. Members supposed. Since it came into operation in January, 1879, to Midsummer last year, 436 cases had passed through it, and the number of prosecutions had been 101; while from Midsummer, 1880, to Midsummer, 1881, the Public Prosecutor was authorized to prosecute in 267 cases. Besides that, advice had been given in 464 cases. This showed a very considerable increase of work over the previous year. Of course, the charge brought by the hon. and learned Member for Bridport required his attention; but the answer was that so far the working of the office had been experimental, and assistants had only been appointed sufficient for the work required to be done.

MR. BIGGAR said, it was quite a matter of chance whether the Public Prosecutor would take any notice of cases laid before him, or rather, when he had examined into them, whether he would institute a prosecution. Considering the number of serious offences which were committed in England, it seemed very strange that so small a number of cases passed through the office. Of course, he did not know to what extent the office of Public Prosecutor was desirable; but it seemed to him that there must be some person, or class of persons, whose interest it was to do away with the office. He thought that the Law Officers of the Crown, with whom the matter appeared to rest rather than the Home Department, should give the office a fair chance. As it was, according to the Estimates, the whole thing had proved to be a fallacy.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he was glad that the Solicitor General had expressed the feelings which he himself entertained with respect to this office. He did not wish to cast blame upon anyone; on the contrary, he was sure the Public Prosecutor had done his utmost in the cause of justice. But he felt the Government

were under responsibility in this matter, and was quite sure that if his right hon. Friend the Home Secretary were present he would join in saying that it was their duty to endeavour to obtain a more certain administration of criminal justice in the country than they had at the present time; and he could assure the Committee that everything that lay in his power should be done to attain that end.

Vote agreed to.

(19.) £116,022, to complete the sum for Criminal Prosecutions.

MR. GREGORY said, before this Vote was put to the Committee, he should like to have some explanation as to the position of the Clerks of Assize. He understood that this office was to be gradually discontinued, and he believed it would be generally recognized that the duties might be performed by other officials. There was a Clerk of Assize, a Clerk of Indictments, and an Associate; and, according to his experience, all those offices were not necessary for the purpose of Circuit work. He remembered raising the question some years ago as to the discontinuance of the office of Clerks of Assize, when there was a general agreement with his opinion that these officers were ornamental rather than useful; and it was then understood that, as the offices became vacant, they should not again be filled up. Under these circumstances, he should like to know whether that understanding would be carried out, and what was the present position of the officers in question?

MR. WARTON asked whether, seeing that the Home Circuit had been altered, one Associate was not quite sufficient to do what was really one's work?

LORD FREDERICK CAVENTISH pointed out that in 1868 a Committee had been appointed to consider the duties and salaries of the officers referred to by hon. Members opposite, and they had recommended that, as vacancies occurred, the salaries should be re-considered, and, if possible, reduced. In accordance with that recommendation, many new arrangements had been made.

MR. WARTON said, the noble Lord had advanced a good general argument; but it did not meet the point of the hon. Member for East Sussex (Mr. Gregory). With regard to the question he himself

had raised, he had pointed out that as there was practically but one Circuit, two sets of officers were no longer necessary, and his object was to ascertain whether it was contemplated that there should be but one officer when either of the offices became vacant?

Mr. GREGORY said, he wished to explain that his question related rather to the continuance of the offices than to the amount of salaries. Was it necessary to continue them, having regard to the requirements of the Circuit, or was it intended to consolidate them and put the work into the hands of one person?

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, the subject had been carefully inquired into by a Committee appointed by the late Lord Chancellor, presided over by the Master of the Rolls, and of which Lord Justice Lush, Mr. Pemberton, himself, and other gentlemen were members. His own idea had been that the work might be done at considerably less expense than it was at the time, and many other members of the Committee took the same view. But the result of the investigation had been to satisfy the Committee that it was not possible to effect much saving, having regard to the number of Courts sitting at the same time, each of which required the attendance of an officer. He believed that the Report of the Committee had suggested all that could usefully be done; but the subject was one which he had no doubt would receive full consideration.

Mr. GOURLEY thought that the question ought to be considered as to whether the office of Sheriff should not be abolished. He should be glad to know the meaning of the charge for Extraordinary Expenditure in furtherance of Justice which appeared in the Vote?

LORD FREDERICK CAVENDISH said, the item referred to by the hon. Member for Sunderland (Mr. Gourley) provided not only for lodging the Judges, but for fitting up the Court, summoning jurymen, and other matters. He believed that the suggestion of the hon. Member would result in a considerably increased charge.

Mr. WARTON begged to remind the Solicitor General that his question with regard to the necessity of retaining a double set of officers to do the work of one had not been replied to.

LORD FREDERICK CAVENDISH said, he was not aware that it was intended to make a change of the kind indicated by the hon. and learned Member for Bridport. When, however, the offices became vacant, he had no doubt that the question would be fully considered.

Mr. BIGGAR said, he did not regard the answer of the noble Lord as very satisfactory. He should not ask the Committee to divide against the Vote; but to his mind four clerks engaged upon one Circuit were rather too many, and it seemed strange that in some way or other the superfluous officers could not be dispensed with. The same remarks applied to the office of Judge's Registrar in Ireland. The Registrarship was in the patronage of the Judge for the time being, who appointed some friend or relation of his own, and this person, it might be said, did literally nothing. The office was a perfect sinecure, inasmuch as the Judge himself took notes of the proceedings, and the Registrar, during the whole time the Court was engaged, did not require to put pen to paper. But why a Judge should require two gentlemen on Circuit to assist in doing nothing really passed his comprehension.

Vote agreed to.

(20.) Motion made, and Question proposed,

"That a sum, not exceeding £97,115, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for such of the Salaries and Expenses of the Chancery Division of the High Court of Justice, of the Court of Appeal, and of the Supreme Court of Judicature (exclusive of the Central Office), as are not charged on the Consolidated Fund."

Mr. ARTHUR O'CONNOR said, he must confess that he always looked upon this Vote with a certain amount of partiality, because he had last year made a representation to the effect that a charge of £1,500, now struck out of the Estimates, could not be needed, inasmuch as the officer for whom it was asked did not exist. The Government admitted the non-existence of the officer in question, but it took 25 minutes to convince them that it was unnecessary to take the £1,500. He succeeded in getting the amount struck out, and he was afterwards told by an old Member

of the House that he had never before known a case in which the Government had submitted to the reduction of a Vote. For that reason he had a partiality towards the Vote before the Committee. On the present occasion he had to bring forward an important representation made by an officer specially appointed by the House to report upon these Estimates, with regard to a particular officer of the Court of Chancery. The Comptroller and Auditor General, in his Report upon the Accounts presented by the Paymaster General of the Court of Chancery, recently placed in the hands of hon. Members, drew attention to certain points of great consequence, and which, although they would take a few minutes to go through, he believed the Committee would agree ought not to be passed over without comment. He said in a letter addressed to the office of the Court of Chancery—

“(7.) My attention has been called to a practice which appears to me to be unsatisfactory and to involve some risk of misapplication of dividends. It not unfrequently happens that when an Order directs the transfer into Court of railway or other stock or shares, and when a certificate is given by a Secretary of a Company that the securities in question have been transferred to the account of the Paymaster General on certain days (which certificate is attached to the Paymaster's directions and sent to this Department as a voucher for the transaction), they nevertheless do not appear as brought to credit in the Paymaster's accounts until some months afterwards. In one case during the past year, five months elapsed between the date of the certificate and the date on which the security was brought to credit. I have thought it right to ask for some explanation of these delays, and also to inquire in the case specially adverted to, whether any dividend accrued in the interval, and whether, in that event, the amount should not have been paid into Court. The Chancery Paymaster has, however, stated in reply that the securities had been brought to account as soon as practicable after the receipt of the evidence of the completion of the transfers, and that he did not consider it any part of his duty to inquire into the matter of the dividends.”

The Committee would see from this that there were sums of money accruing as dividends on property, which the Chancery Paymaster chose to allow to go into some unknown regions, and which the owners had little chance of recovering.

“(8.) A question has arisen as to the obligation of the Paymaster under the General Order in Lunacy of the 7th November, 1853. The Order directs, in Section 16, that when money has been paid into Court and invested pursuant to the Master's certificates, the dividends in such

investments shall, failing other direction, 'be laid out by the Accountant General (Paymaster) in like manner without any request for the purpose.' It is held by the Paymaster that if an order is made dealing with a portion of the securities, the obligation of investing dividends does not remain when the request from the Solicitor ceases. I think it my duty to point out that the probable result of this interpretation of the rules will be the accumulation of cash upon the accounts of lunatic suitors. As an instance in point, I may mention a case in which a balance of £896 17s. 7d. had accumulated on one account before the investment took place in August 1879.”

Hon. Members, he thought, would not allow their own private affairs to be conducted in this way. The Comptroller and Auditor General proceeded—

“(9.) It was discovered in the course of examination that a sum of £415 had been invested under the authority of an old order, while a later order had directed its distribution among five claimants. The mistake was admitted and the stock sold; but as the price of Consols had risen in the interval, there was a profit of £21 2s. 1d. on the transaction; and the question was raised by this Department in what manner this profit should be disposed of. The Lords of the Treasury decided that the sum of £21 2s. 1d. should be transferred to the Exchequer.”

He should like the noble Lord to give some explanation of the grounds on which the interest on funds lying in the Court of Chancery in this way were transferred to the Public Exchequer. Then there was another case detailed in the Report, which continued as follows:—

“(10.) A Report of Master Barlow, confirmed by fiat on the 21st August, 1876, a copy of which was sent to this Department, was found to contain a direction for the transfer into Court to the account of a person of unsound mind of £322 9s. 1d. New Three Per Cent Annuities, and also for the payment into Court by the Bank of England to the sum credit of any dividends which might accrue on such Annuities previously to the transfer thereof. The stock in question was not transferred into Court until the 16th November, 1876, and consequently a dividend accrued in the interval; but as no such dividend was paid into Court, a letter was addressed to the Bank of England, making inquiry upon the subject.”

The Comptroller and Auditor General concluded by saying—

“(12.) I regret to say that the representations which I have repeatedly addressed to the Lords Commissioners of Her Majesty's Treasury upon the incompleteness of the audit and the inadequacy of my staff for the work which is now undertaken, and which is constantly falling still more into arrear, have not yet elicited any response; and I have accordingly addressed a further communication to their Lordships, a copy of which will be found in the Appendix.”

Mr. Arthur O'Connor

The Committee would see what good reason the Comptroller and Auditor General had for complaining of the treatment he received from the Commissioners of the Treasury when it was stated that this letter was dated 31st December, 1880, and that the letters he had addressed to the Treasury on the 12th January and 7th of December, 1879—more than a year before—were yet unanswered. The letter referred to contained the following passage:—

“I am to add that while it is far from the desire of the Comptroller and Auditor General unduly to press the matter upon the consideration of their Lordships, he would submit that without an adequate staff to overtake the requisite duties, he cannot be held responsible for the possible consequences which might result from the insufficient supervision of pecuniary transactions of such exceptional magnitude.”

These were the first points he had to submit to the consideration of the noble Lord, and the next charge which struck him in this Vote was, on page 83, under the head of Master of the Rolls Office, for Preacher at the Rolls Church £180, and Preacher at the Rolls Chapel £45. He was quite unable to understand the necessity for continuing two such items as these, and if any grounds for their continuance did exist, he had not been able to ascertain them. Therefore, he would be glad if the noble Lord would state what was the reason for the continuance of these charges upon the Estimates. There was also a subject upon which he should be glad to hear some explanation from the Attorney General. Some years ago, when that hon. and learned Gentleman was in Opposition, he attacked this Vote, and moved its reduction by the sum charged for the Official Referees. Last year, having taken Office, he spoke in favour of retaining this item, which, when in Opposition, he most strenuously opposed; and on that occasion, although he advanced some rather weak arguments, they were sufficient for the time being. He said that the Official Referees had had a great increase of work thrown upon them; that complaints were not so strong as they had been, and that the work had been much better done. But a short time ago, when he (Mr. O'Connor) was at the office of a gentleman in Gray's Inn, the question of the Referees became the subject of conversation; and it was stated that the position of the Referees was simply indefensible; that they had

nothing like an adequate amount of work to do for the money paid to them; that the suitors did not get satisfaction; that they did not go before the Referees willingly, and that when they did the almost invariable result was that the Official Referees, after hearing both sides of the case, proposed a compromise. These were the three points he wished to submit to the Government, and upon which he should be glad to receive some satisfactory explanation.

Mr. H. H. FOWLER said, he was perfectly sure the present Master of the Rolls did not require the services of a Preacher at the Rolls Chapel, and the charge under this head appeared altogether superfluous. He requested the Committee to compare the cost of the retinue of the Master of the Rolls with that of the Chancery Judges. The former had two Secretaries at £600 and £1,000 a-year respectively, a Gentleman of the Chamber at £400 a-year, and, besides other officials, a Train Bearer at £200, and a Clerk of the Chamber at £400 a-year; the whole charge being for the Master of the Rolls' establishment about £8,000 a-year, as against £3,700, the charge for the six Chancery Judges. He trusted the noble Lord would explain the necessity for retaining this excessive charge in the case of the Master of the Rolls.

LORD FREDERICK CAVENDISH said, the salary of the Secretary to the Master of the Rolls was formerly £1,200; but it had since been reduced, and at the next vacancy it would be fixed at £500. The Secretary of Causes attended in Court every morning and took the directions of the Master of the Rolls, his chief work being to read petitions, which numbered about 4,000 in the course of the year. He believed that one Departmental Commission had recommended the abolition of this office; but another Commission had subsequently recommended its continuance for some time longer. When, however, a vacancy occurred the subject would, no doubt, receive further consideration. With respect to the Preacher at the Rolls Chapel, this gentleman performed Divine Service every Sunday, and his salary was one over which the Treasury had no control, inasmuch as it was fixed by Act of Parliament—Sec. 4, 3 Vict. c. 46. Although the present Master of the Rolls did not attend the chapel, he

presumed that Divine Service was necessary there for the benefit of others. The hon. Member for Queen's County (Mr. Arthur O'Connor) had called attention to a point in connection with the office of Paymaster General of the Court of Chancery, giving details upon which he would not enter. The hon. Member asked why the Treasury had paid into the Exchequer the profit on a certain transfer of stock. He presumed that the answer was that, inasmuch as it would not have been thought right to charge the suit with interest had a loss resulted from a fall in the funds, there was no reason why he should be credited with profit which resulted from a mistake of an unfortunate character. With regard to the Comptroller and Auditor General, the question was not at all free from difficulty; but he was happy to say that a Committee would shortly be appointed to consider the duties of that officer and the number of clerks required.

MR. THOROLD ROGERS said, that, having regard to the needs of the district in which the Rolls Chapel was situated, he was very glad to see that there was a preacher there.

MR. GREGORY said, he had not been originally favourable to the institution of the office of Official Referees and the appointments made. But he had since found that the duties of the office, which were more onerous than he at first supposed, were, on the whole, satisfactorily performed. There was this great advantage in connection with the office—that the Official Referees could go down to any place and investigate cases on the spot. For instance, they could inspect works which were the subject of a contract, see how things were going on, and form their own conclusions. With regard to the office of Paymaster of the Court of Chancery, he would wish to remind the Committee of the immense amount of work that was in hand; and looking at the complicated nature of the accounts, the orders that had to be worked out, and other things, it was a matter of surprise to him that more mistakes did not occur in that office. Those and several other matters required some attention.

THE ATTORNEY GENERAL (Sir HENRY JAMES) thought the hon. Member for Queen's County (Mr. Arthur O'Connor) was entitled to some sym-

pathy, for he himself, when the Referees were appointed, took exception to the appointment, especially of one of them, for he thought a Referee should not be appointed who had not shown his fitness for the office. But after the lapse of five years, he had now nothing unfavourable to say as to that gentleman. He had nothing but favourable criticism to offer, for that gentleman had performed his duties with satisfaction, and with benefit to the public service. Subsequently to that, there was an extension of the duties thrown upon the Referees. For a time there was some doubt as to the desirability of submitting cases to the judgment of the Referees; but now, instead of few cases being submitted to them, there were very many, and their time was fully occupied.

MR. HOPWOOD thought it would be in the memory of some hon. Members that when the Official Referees were appointed, and for some time afterwards, there was an item for travelling expenses, and that in favour of the appointments it was argued that the Referees would be ambulatory, and so could decide questions at a much less cost to the parties. It was intended that the expenses should be paid from the public funds and not by the individuals; but he did not see this item in the Estimates, and he knew that the law was being disregarded in that respect. It seemed as if the Treasury were determined to override the Act of Parliament; and at present, when the Referees had to go from London, they had to apply to the parties for security for their travelling expenses.

THE ATTORNEY GENERAL (Sir HENRY JAMES) observed that the suitor, of course, must in one sense bear the expenses of a travelling Referee if he took the Referee a long distance from London; but, of course, the Treasury must allow some of the expenses.

MR. HOPWOOD said, that the complaint of the Referees was that they were obliged to enter into cash transactions with the parties, instead of receiving an advance from the Treasury.

MR. GREGORY said, he thought the Referees were placed in a humiliating position.

MR. H. H. FOWLER said, he wished to draw attention to the case of the Registrars in the Courts of Chancery. He should be obliged to divide the Committee upon this item unless he re-

ceived a satisfactory explanation. The Registrars were simply officers of the Courts to carry out the decrees of the Judges, and did not partake in a judicial character at all. The Chief Clerks of the Master of the Rolls and the Vice Chancellors discharged most important judicial duties, by which large sums of money were sometimes disposed of. A County Court Judge's maximum salary was £1,500, and that of the Chief Clerks of the Master of the Rolls and the Vice Chancellors was also £1,500; but the first of these gentlemen, who discharged the duties of Registrars, received £2,000; three received £1,800; four received £1,500; and four others received £1,250. Then there were two clerks at £800, four at £600, five at £400, four at £300, together with 12 assistant clerks, and two clerks of entry, making altogether 42 clerks to carry out the decisions of six Courts—four Vice Chancellors' Courts, the Rolls Court, and the Court of Appeal. It might surely be supposed that that staff was sufficient to deal with the most extensive operations of the Court; but, beyond these, there was a charge of £3,100 for copying, the 42 clerks being unable to do any copying at all. There was no Department which cost so much as this in proportion to the work done; and unless the Government could give some explanation of this, he should be obliged to take the sense of the Committee upon it.

MR. GREGORY said, that, having had long experience of the work of the Courts of Chancery, he could not agree with the hon. Member. The efficiency of those Courts largely depended on the Registrars, and he thought the hon. Member had altogether under-estimated their duties. They had to sit in Court, take notes of each judgment and of the order to be drawn up in consequence of the judgment, and to work out the details of the judgment, which was necessarily pronounced in short and concise terms. Then they had to advise the Judges on all points of practice, and were always ready with references upon any point that might arise. On leaving the Courts they had to draw up the decrees, which sometimes extended to 200 or 300 folios, and involved the most minute directions as to taking accounts, ascertaining the liabilities and charges on estates, administration of the estates, and realization of the assets in order to meet

the charges upon them. In addition to those duties they had to see that the orders were in accordance with the pleadings; and all these were a heavy responsibility, requiring great vigilance and knowledge of the practice of the Court. These gentlemen had been trained to this work, and they must be paid for such duties; and unless the Courts were furnished with such officers the administration of the Court would be very different from what it now was.

MR. HOPWOOD said, these appointments were the richest mine the Courts of Chancery possessed, and it was always considered desirable to put young men into them early, because they were sure to get to the top of the tree if they lived long enough. But the work of these officials could not be compared with that of the County Court Judges or the Chief Clerks in Chancery, and it could not be argued that they were paying ability according to its merits. The reckless profusion of emoluments went down from them to the care-taker and cleaner, who received £250 a-year, and there was also an item of £3 for washing towels. This was a matter that ought to be seriously considered.

THE ATTORNEY GENERAL (SIR HENRY JAMES) explained that although the sum paid was large, it had been settled by statute, and assured the Committee that the duties of the Registrars were most onerous and responsible duties. It was necessary to have men in that position in whom there was perfect confidence. If the same duties were performed by private agency the cost would probably be greater; and he did not think any further legislation on this matter was necessary.

MR. H. H. FOWLER said, he must protest against the notion that the Registrars discharged duties of equal importance to those of the Chief Clerks. As a matter of fact, important decrees in the Court of Chancery were settled by the counsel, and the duty of the Registrar was mainly mechanical. He did not deny that the Registrars were men of great ability, and that men of great ability ought to be employed for this work; but if £1,500 was a sufficient salary for a County Court Judge or a Chief Clerk, it was enough for a Registrar; and as the Government had defended this Vote he should take the opinion of the Committee upon it. He

would, however, not do so as to the salaries of the Registrars, as they were fixed by statute; but the country ought not to pay £3,100 for copying in the Registrars' offices, and he should move to reduce the Vote by £2,000.

Motion made, and Question proposed,

"That a sum, not exceeding £95,115, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for such of the Salaries and Expenses of the Chancery Division of the High Court of Justice, of the Court of Appeal, and of the Supreme Court of Judicature (exclusive of the Central Office), as are not charged on the Consolidated Fund."—(Mr. Henry Fowler.)

MR. GREGORY said, he considered the duties of the Registrars as responsible as those of the Chief Clerks in their way; but he thought the Chief Clerks were underpaid.

MR. HEALY wished to take the opinion of the Committee with regard to the Chaplain of the Rolls Court. He thought it was time to teach the Master of the Rolls that there was no royal road to Paradise, and if he wanted prayers said for him he should pay for them himself. He was opposed to Votes for getting men to Heaven, and should move to reduce the Vote by £250, the salary of the Preacher in the Rolls Chapel.

LORD FREDERICK CAVENDISH said, he hoped the hon. Member (Mr. H. H. Fowler) would not insist on going to a division. There was some profit on the scrivener's work.

Question put.

The Committee *divided*:—Ayes 32; Noes 76: Majority 44.—(Div. List, No. 356.)

Original Question again proposed.

MR. HEALY said, he would move to reduce the Vote by £225, the salary and expenses of the Chaplain attached to the Rolls Chapel. He had already explained the reasons which induced him to take this step; and if the salaries and expenses of this gentleman were secured to him by an Act of Parliament the sooner it was repealed the better. They could hardly disturb the present chaplain; therefore, if the noble Lord (Lord Frederick Cavendish) would give an undertaking to bring in a Bill, as soon as the present chaplain's administrations ceased, to abolish the office,

Mr. H. H. Fowler

he would not press his Motion to a division. As long as these absurd charges for preaching and praying were put in the Votes he should protest against them.

Motion made, and Question put,

"That a sum, not exceeding £96,890, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for such of the Salaries and Expenses of the Chancery Division of the High Court of Justice, of the Court of Appeal, and of the Supreme Court of Judicature (exclusive of the Central Office), as are not charged on the Consolidated Fund."—(Mr. Healy.)

The Committee *divided* — Ayes 23; Noes 90: Majority 67.—(Div. List, No. 357.)

MR. RYLANDS asked the Secretary to the Treasury for some information as to the charge made for a stockbroker. Did the gentleman who acted in this capacity get any commission?

LORD FREDERICK CAVENDISH said, the stockbroker received the sum mentioned in the Estimates instead of fees. The fees received in his Department amounted to £12,000 odd a-year.

MR. T. P. O'CONNOR was at a loss to know how any charge at all was made for a stockbroker. The duty of this gentleman, as he understood it, was to dispose of stock belonging to suitors in Chancery. If that was so, surely the expense of employing the stockbroker should be paid out of the costs of the cases.

LORD FREDERICK CAVENDISH said, the suitors were charged fees which were paid into the Exchequer, and the stockbroker who did the work received a salary.

MR. HEALY wished to have some explanation of the item of £330 for the bag-bearer. It seemed to him that the sum was more than enough for a stout colporteur, to say nothing of a mere bag-bearer. There was a sum of £1,820 for bag-bearers, some being called "petty bag-bearers." What were these offices?

LORD FREDERICK CAVENDISH said, they were very ancient offices. The old names that they still retained did not at all describe the duties of those who held the appointments. The bag-bearers were really clerks.

Original Question put, and *agreed to*.

(21.) Motion made, and Question proposed,

"That a sum, not exceeding £68,427, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Central Office of the Supreme Court of Judicature; the Salaries and Expenses of the Judges' Clerks and other Officers of the District Registrars of the High Court; the remuneration of the Judges' Marshals; and certain Circuit Expenses."

Mr. GREGORY said, he was not going to oppose the Vote; but there was a matter in connection with it on which he wished to make an observation—namely, the matter of expenses of Judges on Circuit. A certain allowance, he believed, was made to Judges of Appeal for expenses; but there was no allowance to the ordinary Judges on account of Circuit expenses. It seemed to him to be a hard and shabby thing to require the Judges on all occasions to pay their own expenses out of the salaries they received. The Judges' salaries were assessed 50 years ago, when money bore a very different value to that which attached to it now, and expenses were much less than at present. The system adopted long ago of making a reduction of £500 per annum in the Judges' salaries on account of Circuit expenses continued up to the present day. The result was that the Judges' salaries, instead of being £5,000 a-year, only amounted to £4,500. They could not expect to get good men to fulfil the functions of Judges in the Courts of First Instance now-a-days unless they paid them adequate salaries. The present system was unworthy of the country; and, in many instances, the best men for the Bench were prevented from accepting a seat upon it in consequence. He did not advocate extravagance in the administration of justice. He had never advocated it; he had always endeavoured to check it; but, in the interests of justice generally, and in the interests of the suitors, it was necessary that there should be strong Judges on the Bench. It could not be expected, however, that they would be obtained as long as they were subjected to this petty deduction. He sincerely hoped that this matter would receive some attention.

Mr. ARTHUR O'CONNOR said, there was an item for Registry of Deeds

and Bills for Middlesex, for two Registrars, and Lord Truro, and the Queen's Remembrancer. An hon. and learned Member opposite some time ago had moved for a Return on this subject; and he (Mr. Arthur O'Connor) had almost expected the hon. and learned Gentleman to say something about it this evening. The Return, which was granted, was a very interesting one. It was for the year 1878-9, and it showed the fees received by the Registrars, the expenses of the office, and the net amount paid to the account of the Queen's Remembrancer. Moreover, it gave the names of the Registrars and the number of days each of them attended at the Registry. It was shown that the fees amounted to some £14,000, £15,000, or £16,000 a-year, and the expenses amounted to £4,000, or £5,000, or £6,000 a-year. There was a balance from year to year of about £10,000. Well, half of this—or £5,000—was paid, as the share of the Queen's Remembrancer, into the public account at Messrs. Hoare's and Co's. Bank; but all the rest went to Lord Truro—namely, £5,000 a-year. When they turned to that part of the Return which showed what it was that Lord Truro did for his £5,000 a-year—when they came to inquire the number of days on which the Registrars attended the Registry—they found that that portion of the inquiry of the hon. and learned Member was dishonoured. There was no answer given to the inquiry. The only thing they gathered was that Lord Truro superintended the office and staff, and attended "whenever his Lordship's services were required." No doubt, his Lordship would come down to the office to sign the Return, and that would be one of the few things he would have to do in the year. The Queen's Remembrancer never attended at all; but then he did not receive any emolument. Lord Truro received his £5,000 a-year for doing nothing. It certainly appeared to him (Mr. Arthur O'Connor) that instead of only half the whole of the £10,000 ought to be paid into Messrs. Hoare's and Co's. bank to the public account, or, at any rate, such portion of it as would leave Lord Truro a fair amount for the trouble and inconvenience he was put to in having occasionally to attend the Registry to sign such a Return as that he (Mr. Arthur O'Connor) had referred to. He

would move that the Vote be reduced by £4,500, which would leave Lord Truro £500 a-year for his work. That would be handsome remuneration.

Motion made, and Question proposed, "That a sum, not exceeding £63,927 be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Central Office of the Supreme Court of Judicature; the Salaries and Expenses of the Judges' Clerks and other Officers of the District Registrars of the High Court; the remuneration of the Judges' Marshals; and certain Circuit Expenses."—(*Mr. Arthur O'Connor.*)

MR. COURTNEY said, the hon. Member was under a strong misapprehension on this matter. He (*Mr. Arthur O'Connor*) proposed to reduce the Vote by a sum which was not an expenditure, but a receipt. It was much to be regretted that the hon. Member was not present when the matter came under discussion early in the Session. The hon. and learned Member for Stockport (*Mr. Hopwood*) had brought in a Bill to re-constitute the Office, and that was opposed by the Government for the reason that it was not intended to fill up the appointments again as vacancies occurred. There would be no successor to Lord Truro.

MR. ARTHUR O'CONNOR thought it rather a pity that the time of the Committee should be wasted by the hon. Member (*Mr. Courtney*), who evidently failed to apprehend what he (*Mr. Arthur O'Connor*) meant. He was as well aware as the hon. Member that the £10,000 was a receipt; but what he complained of was that half of it should be given to Lord Truro for nothing. The Queen's Remembrancer did nothing, and received nothing for it; but Lord Truro did nothing, or next to nothing, and was paid £5,000 a-year for it. It was incumbent on the Committee to refuse to allow Lord Truro to be paid this £5,000 a-year, and it was perfectly competent for them to insist upon its being paid into the Public Exchequer. ["No, no!"] Hon. Members might say "No!" but he, evidently, had a clearer idea of the power of Parliament than they had. The House of Commons would have no difficulty in withholding this money from Lord Truro. He contended that if he moved to reduce the Vote by £4,500, and if Lord Truro was obliged to pay into the Exchequer the amount

of the extra receipts, there would be the same sum available.

SIR JOHN LUBBOCK said, he thought that the answer of the hon. Member for Liskeard (*Mr. Courtney*) did not meet the question raised by the hon. Member for Queen's County, which was perfectly clear.

MR. HOPWOOD pointed out that Lord Truro's interest was guarded by Act of Parliament, and that the Treasury were, in consequence, powerless in the matter. Certain fees were leviable from the owners of property, upon whom the onus of registering a memorial was imposed. There had been originally three Registrars; but endeavours had been made to effect economy in this respect, and when the offices became vacant one had been discontinued, and one of the Masters of the Courts had been appointed to another as trustee to receive the fees on behalf of the Treasury.

MR. ARTHUR O'CONNOR said, his contention was that Lord Truro had not a right to the £5,000 he was receiving, but only to the share of the fees which he was entitled to when there were four Registrars.

MR. HEALY said, he protested against the charge for Judges' Train Bearers on the ground of economy.

Question put, and *negatived*.

Original Question put, and *agreed to*.

(22.) £57,124, to complete the sum for Probate, &c. Registries of the High Court of Justice.

(23.) £6,797, to complete the sum for the Admiralty Registry of the High Court of Justice.

(24.) £8,118, to complete the sum for the Wreck Commission.

MR. HEALY said, he thought that the number of folios paid for to the shorthand writers in this Department ought to be stated.

LORD FREDERICK CAVENDISH said, it was impossible to ascertain the amount of work until the end of the year.

Vote *agreed to*.

(25.) £19,424, to complete the sum for the London Bankruptcy Court.

MR. ARTHUR O'CONNOR pointed out that whereas the amount of arrears in this Court were steadily increasing,

Mr. Arthur O'Connor

there had been a decrease in the last three years of the number of hours of sitting by the Chief Judge and the Registrars. As this was hardly the way to get rid of arrears of work, he should be glad to receive an explanation on the subject before the money was voted.

Mr. HINDE PALMER said, that as he had moved for the Return on which the hon. Member rested his statement, he would point out that the total represented the number of days on which the Registrar sat as representing the Chief Judge. It would be misleading to say that it represented the total number of days on which the Court was engaged.

Mr. ARTHUR O'CONNOR said, he did not wish to draw any conclusion from the Return that was not warranted; but he dwelt most strongly on the fact that there had been a steady diminution in the number of days on which the Registrars sat, concurrently with an increase of arrears of work.

Vote agreed to.

(26.) £382,936, to complete the sum for the County Courts.

(27.) £2,442, to complete the sum for the Land Registry.

Sir WALTER B. BARTELOT said, he was glad to see his hon. and learned Friend the Solicitor General in his place, because he had something to say with regard to this Vote. The Land Registry, he believed, was established in 1864, and was brought into existence for the purpose of carrying out the views of Lord Cairns and Lord Westbury with regard to the registration of titles. Since then a Committee had sat to inquire into the working of the office. Year by year promises had been made that something should be done to make the Court of use; and he remembered that when the present occupants of the Treasury Bench were in Opposition they made a strong onslaught upon this Vote. If he was not mistaken, the Home Secretary was a very strenuous opponent of the Vote, as he stated distinctly that nothing was done either by the Registrar or the Assistant Registrar. Both of these gentlemen were able and excellent men, and promises had been made that some work should be found for them to do; and he would, therefore, ask whether any arrangement had been made in that direction, and what steps had been taken, if

any, to make the Land Registry an efficient Court for the transaction of business?

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, he agreed with the hon. and gallant Baronet in the observations which he had made. There was no doubt that one of two things ought to be done—either the office should be abolished or rendered effective. He admitted that the state of the office was not satisfactory, while it constituted a charge upon the Revenue which the amount of good done by it did not justify. But the Committee should bear in mind that upon the question of whether it was expedient to abolish this office hon. Members were not agreed. On the contrary, there were some who thought that an extension of the system was desirable. Under the circumstances, he did not think that the Government could deal with the matter until their minds had been made up as to whether the office should be abolished or continued, because hardly anything could be worse than to find, after abolishing it, that a new office must be created, and that the services of those persons who were the most effective instruments in administering it were no longer available. The present Registrar was a gentleman of great professional eminence, and who had resigned a lucrative practice in the Courts to take this office at a considerably less income than he formerly received. And he regretted nothing more than that he should be in the unsatisfactory position of occupying the post without being able to do more service to the public. It had been announced, last year, that the Government intended to deal with this matter without delay; but he thought the Committee would see that there had been exceptional circumstances, during the present Session, which prevented them carrying out their good intentions. The Government, however, were still anxious to see the matter placed upon a satisfactory footing. It would not be lost sight of, and he could assure the Committee that it would be dealt with at the earliest possible moment.

Mr. RYLANDS said, he supposed the Committee would be obliged to accept the statement of the hon. and learned Gentleman; but it was a twice-told tale. He had heard it when he sat opposite, and he had heard it again

since he sat on that side of the House. Whenever the Vote was criticized, some occupant of the Treasury Bench gave promises, explanations, and justifications; but, notwithstanding these, the money continued to be charged on the public purse. For nearly 20 years the country had been paying for the office, and had expended upon it in that time something like £100,000, getting, in return, scarcely any advantage. He observed that the amount of fees paid during the year ending on the 31st December, 1880, was £818 15s.; and it was, therefore, clear that the officers, who received large salaries, had little or nothing to do. But he wished to call the attention of the Committee to the fact that the Chief Clerk of the office, who received £400 a-year for doing nothing, was allowed by the Attorney General to take another appointment in the Land Securities Company (Limited), from which Society he received £100 per annum. It seemed to him that this was not the kind of arrangement by which the office of the Land Registry could be made serviceable, and that it ought no longer to be allowed. For his own part, he should be content to see the whole thing swept away, in order that a start might be made *de novo*; and in view of the large amount that would have been saved in salaries it was to be regretted that this had not been done before. He was glad to receive the assurance of the Solicitor General that no new appointments were made, and trusted that next year the whole case would be dealt with in a more satisfactory manner than it had been hitherto.

Vote agreed to.

(28.) £18,690, to complete the sum for Revising Barristers, England.

(29.) £8,021, Police Courts, London and Sheerness.

MR. ARTHUR O'CONNOR said, he wished to know whether the Government had not had many urgent representations made to them as to the inconvenience experienced by the public, owing to the fact that the Police Court at Hammersmith closed at 2 o'clock in the afternoon?

MR. COURTNEY was understood to say that there were certain suburban courts, where the business was light, which only sat during what were called

half-court days, and that Hammersmith was one of them.

Vote agreed to.

(30.) £250,402, to complete the sum for Metropolitan Police.

(31.) Motion made, and Question proposed,

"That a sum, not exceeding £911,298, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for certain Expenses connected with the Police in Counties and Boroughs in England and Wales, and with the Police in Scotland."

MR. ARTHUR O'CONNOR said, he had seen, from the Local Taxation Returns which had recently been issued to Members, that the town of Southampton had an allowance from Her Majesty's Treasury of £4,841 for police alone. But during the same period the cost of the police in Southampton was only £4,425; so that the allowance obtained from the Treasury towards the pay and clothing of the police of Southampton was actually more than the total cost of the police of the town. It struck him that there was something anomalous about this; but, possibly, the noble Lord the Financial Secretary to the Treasury would be able to explain it.

LORD FREDERICK CAVENDISH said, the statement made by the hon. Gentleman had given him considerable surprise; but he would look into the matter. The allowance made from the Treasury for the county and borough police was founded upon the principle of giving one-half of the pay and allowances, not including other portions of the expenditure for the police. He could not understand the matter mentioned by the hon. Gentleman at present, but he would look into it.

MR. ARTHUR O'CONNOR said, he did not at all wonder at the noble Lord's being surprised, and the document he referred to was the Local Taxation Returns for the year 1878-9, pages 58 and 59, where the facts would be found fully set forth.

LORD FREDERICK CAVENDISH could only assure the hon. Gentleman that if there had been any over-payment last year it should be rectified next Session.

MR. ARTHUR O'CONNOR said, there was another point which he should like

Mr. Rylands

to mention, and which the right hon. and learned Gentleman the Home Secretary had made peculiarly his own—he referred to the superannuation allowances for police. He recollected that the right hon. and learned Gentleman attended a meeting of the police a short time ago, and addressed them; and he thought the right hon. and learned Gentleman gave them to understand in the course of that address that some arrangements had been made which would prove satisfactory with regard to superannuations. Whether those arrangements were to be confined to the Metropolitan Police, or whether they were to be extended to the police throughout the country, he was not very certain; but, unquestionably, the matter was one which excited a very great amount of interest in the Police Force, and a very large amount of sympathy throughout the great body of the people. Perhaps the right hon. and learned Gentleman would now say something on this point. He (Mr. Arthur O'Connor) had also noticed that this Vote was for the police of the counties and boroughs, not only of England, but of Scotland; and, that being so, this, perhaps, was the proper occasion for bringing under the notice of the House the very serious representations which were made in the 23rd Report of the Inspector of Constabulary for Scotland, with regard to the utter inefficiency of a large portion of the Police Force in that country. In the very first page the right hon. and learned Gentleman would find observations condemning the inefficiency of the police in the burghs of Wick and Banff, and other places. Then, with regard to another question of importance, the pay of the Superintendents of police in Scotland, the Inspector of Constabulary pointed out that while most of the counties and burghs, with some exceptions, paid the men liberally, the salary of the head officer was smaller than it ought to be, considering the onerous duties of his position; and in some places—more often in counties than in burghs—many additional duties had been placed upon the shoulders of the head of the police without any extra remuneration whatever. For instance, the Chief Constable in many counties had been made to undertake the duties of Procurator Fiscal to the Justices, and to perform those duties without salary, the county thus saving considerable ex-

pense; and in order to get men willing to perform double duty, the Government grant practically paid half the difference. The local people thus managed to get their local work done at the expense of the Police Vote. There was still another question which was worthy of the attention of the Government, and that was the custom which prevailed in many of the counties, and in some of the burghs of Scotland—a custom which, as the Inspector said, was of a very questionable character—of liberating persons taken up for being drunk and incapable, or drunk and disorderly, when sober. Such persons in the districts he referred to were never taken before a magistrate, but were liberated without bail on the sole responsibility of the constable, and were not called upon to appear anywhere to answer the charge. The Inspector added in his Report that the question whether this practice was legal or not could only be answered by legal authority, though many looked upon it as illegal, and would allow no liberation except on bail, or by going before a magistrate. It would surely be better to legalize some plan whereby the obligation to appear before a magistrate might be suspended, with some provision to enable a prisoner to bring his case before a magistrate should he think himself aggrieved. This was a matter that well deserved the attention of the right hon. and learned Gentleman. The last point to which he desired to refer was that the Police Force in Scotland had to go to great trouble and expense in circulating information which it was necessary to have circulated, but which could not be circulated as in this country, for the simple reason that in Scotland there was no *Police Gazette*. The advantage of the circulation of this information was to the public very great indeed, and it was unfair that the cost of it should fall upon the police.

SIR WILLIAM HARCOURT: Some of the points which the hon. Gentleman has referred to ought to fall to my share to reply to. In regard to the question of the superannuation of police, I am entirely conscious of its great and urgent importance; and the statement which I made some weeks ago in addressing the Metropolitan Police would not have been made unless the Government at that time had actually had a Bill prepared upon the subject, which Bill would

have been presented to Parliament if the time and season of the Session had permitted. This, I hope, will satisfy the hon. Member that the subject is one which we have not neglected. I do not think it would be advisable now to enter into all the details of that measure, for it is clear that we cannot deal with it this Session; but we shall occupy a part of the Recess in endeavouring to collect the opinion of those persons who are best able to assist us by their advice as to the provisions of the Bill. I will only, therefore, state that the measure embraces, not only the Metropolitan Police, but all the police throughout the country; and I may say that it is generally founded upon the lines of the Select Committee which sat for the purpose of dealing with this subject. Another matter which the hon. Member has referred to has been that in some cases the inefficiency of the local police has been complained of. Now, I wish to state to the Committee my view of the relations in which the Central Government and the Home Office stand to this question. As the hon. Member is aware, the general government of the local police belongs to the local authorities, and I think it is very desirable that that principle should be strictly maintained, and that we should not attempt by centralization to take away the power of the local authorities over their own police. The borough police is even more completely under the authority of their own watch committee than is the county police. The Home Office has more power to interfere with the pay and regulation of the county police than it has under the Municipal Corporations Act to interfere with the borough police, which is really and entirely under the control of the watch committee; and I have found this difficulty arises—that constant complaint is made of any interference on the part of the Government with their police. But, as the Government contribute one-half of the expense, they must have some power of seeing that they get an equivalent for the money spent. But, subject to this principle, I am extremely averse to taking out of the hands of the local authorities their right to deal with their own police. I will not mention the name, but there is one of the largest counties in England concerning which the Inspector made a strong Report as to the inefficiency of the police, and their ob-

jection to any alteration. The authorities came before me, and I said—"Well, gentlemen, if you think your police are fit to protect the lives and property of the people in your own county, it is your affair, and I leave you to settle it as you like; but I call your attention to the fact that the Inspector reports your police as inefficient." I think they were satisfied with that answer, and a few weeks afterwards I received a Report that they had increased the strength of their force. I think it much better to deal with these cases in this way than to endeavour to bring them all under a central authority; and I think that if we are to expect local self-government we must be careful, and not assume too much control over what particular counties may consider necessary in regard to pay, &c. The hon. Gentleman has referred to the police in Scotland. Now, I must say that one of the pleasures which I have always found in Scotland is the gratifying absence of police. You never see one in Scotland. At one of the islands of the Outer Hebrides where I have visited—an island of considerable size—I found that the total police force on the island consists of one Inspector and two policemen. The habits there are regular, and everybody gets on extremely well. I do not think there is a doctor in the whole of the island; I believe disease is unknown, and crime is seldom heard of. This shows, then, that we cannot apply a strict rule as a general principle. We cannot do better than trust these local authorities, leaving the communities to look after their own interests, and to maintain what police they require. The other point which the hon. Gentleman has mentioned, as to the release of persons charged with drunkenness without bringing any charge against them, or taking them before a magistrate, is a serious one, which deserves consideration, and I can only say that it shall be carefully considered.

MR. MAGNIAC said, he was glad the right hon. and learned Gentleman had made this statement, and hoped that before long some legislative measure would be introduced, for among the many questions of local interest which were pressing for consideration this was one of the most important. Another point worthy of consideration, as bearing on the finances of the country, was the unnecessary number and duplication of

police staffs in the boroughs and counties of the country, and that might be remedied with very considerable advantage. In many small boroughs there were practically two staffs kept up to a point entirely out of proportion to the numbers of the community. It would be of great advantage for the repression of crime and the maintenance of order if those small boroughs could be amalgamated with the counties for police purposes. It would lead to a great saving of expense, and he hoped the point would be considered.

COLONEL ALEXANDER said, he wished to remind the right hon. and learned Gentleman the Home Secretary that he (Colonel Alexander) had had the first Notice on the Paper to-day for his Resolution in reference to police superannuation, and this was the fourth time that he had procured a favourable position for it upon the Paper this Session. However, in consequence of the great pressure under which the Government had been placed in regard to the taking of Supply, and his unwillingness to interfere with the Government in that work at this late period of the Session, and also on account of the absence, through illness, of his hon. Friend the Member for West Essex (Sir Henry Selwin-Ibbetson), who presided over the Select Committee on Police Superannuation, and who was anxious to take part in any discussion that might be raised upon the subject, he (Colonel Alexander) had postponed his Resolution *sine die*. He had felt less reluctant to do so, because he had been extremely glad to read the remarks which the Home Secretary had made on a recent occasion in presenting prizes to the members of the Metropolitan Police Force; and now to-night they had obtained from the right hon. and learned Gentleman an undertaking that he would deal not only with the Metropolitan Force, but with all the rest of the police throughout the country. He was not certain whether the right hon. and learned Gentleman meant to include Scotland in his proposed measure; but he might point out that the need there was even greater than it was in England, for in Scotland they had no system of superannuation whatever. As matters stood now, a policeman in Scotland, on attaining the age of 60 years, and then not before being certified as incapable for the discharge of duty,

might receive such a sum in gross as, in the circumstances, might to the Commissioners of Supply seem proper. The Select Committee which, in the year 1868, sat in the House of Lords, and was presided over by the Earl of Minto, examined several English witnesses upon the English system, and they reported that it was most desirable to introduce a system of superannuation into Scotland; but that the inquiries they had made of the English witnesses had brought out the fact that the English system was so imperfect that it would be well not to adopt any system at all until a more perfect one had been established in England. It was also shown that in consequence of the total absence of superannuation in Scotland a great number of the police were in the habit of crossing the Border and enlisting in the forces of Cumberland and Westmoreland. The Chief Constable of Westmoreland, who gave evidence before the Select Committee presided over by his hon. Friend the Member for West Essex, stated that he asked the men who came from Dumfriesshire, Wigtonshire, and Ayrshire what was their reason for leaving Scotland in order to join the Westmoreland force, and the answer almost invariably given was because there was no system of superannuation in Scotland. He (Colonel Alexander), therefore, hoped that in the measure which the Home Secretary promised to introduce Scotland would be included.

MR. COURTNEY said, the promised measure would extend to Scotland as well as to England and Wales; and he hoped it would be found to be drawn upon lines which would leave it free from the disfavour which was shown towards the present system of police superannuation.

MR. T. P. O'CONNOR wished to refer to a matter in which he took a deep interest some time ago, and which had reference to the conduct of the Glasgow police in regard to the disturbances that took place in that city. He was himself in Glasgow some time after the disturbances took place, and he saw the wives and relatives of some of the persons who were placed in prison. He took the opportunity of investigating the case as far as he could; and no doubt the Lord Advocate, whom he saw upon the Treasury Bench, was familiar with all the facts of the case. Perhaps he ought

to preface his remarks by saying that his friend Mr. Fergusson, of Glasgow, acting in accordance with the precedent set by his fellow-members of the Land League, had made up his mind not to have a procession this year, in order that there should be no reason to keep up bitter memories. There would, he believed, be an open air demonstration, but not a procession of the usual nature; for there was no desire whatever to give any excuse for fresh disturbances. However, what he wanted to call attention to was the fact that there was a strong feeling at the time that these processions had not been treated fairly by the police. The procession which led to the disturbance was attacked by a number of Orangemen, for he was sorry to say that Irishmen easily transferred to a neutral country some of the animosities and bitternesses of their own land; and the police in this instance, instead of understanding the nature of the procession, and that the people who took part in it were simply engaged in the exercise of their Constitutional rights, attacked the processionists, and a disturbance took place. But, whatever the cause of the disturbance, some of the processionists were taken before the magistrates, and, in some cases, were sentenced to six months' imprisonment. He (Mr. T. P. O'Connor) saw the wife of one of these unfortunate men, and he believed she was in rather a bad way, and would have suffered severely, had it not been for the assistance that was rendered to her. He believed that the impression produced on the minds of the Irishmen was that the fact of their nationality and the fact of their creed exercised some influence against them. He made no charge against anyone; but they certainly did believe that these considerations exercised some influence over the treatment which these men received. The Lord Advocate and the Home Secretary knew as well as he did that between the religious sentiments of the Irish people and the general religious sentiment of the Scotch people there was a strong feeling of antagonism; and it would be most lamentable if the Bench gave any instructions whatever which would tend to spread a feeling of bigotry and intolerance between different classes of the community. He trusted that in future no suspicion of anything of the sort would be allowed to arise.

Mr. T. P. O'Connor

Mr. BUXTON pointed out that there was an increase this year in the expenditure for the police; and he wished to know how that increase compared with the increases which exhibited a gradual growth in previous years?

SIR WILLIAM HARCOURT, in reply to the observations of the hon. Member for Galway (Mr. T. P. O'Connor) concerning the Glasgow disturbances, said, that in November last he took a great deal of pains to investigate the facts of the case, and had Reports from the magistrates, from the Procurator Fiscal, and from all the persons who were thought likely to be able to throw any light upon the matter. No doubt, it was very unfortunate when two rival creeds, differing in political as well as in religious opinion, came into conflict in this way, and in this case there was a great deal of disorder. The ringleaders and some others were taken up for assaulting the police, and he knew the charge had been made that the magistrates had acted with partiality, and that they were more severe upon the Catholics than they were upon the Protestants. He could only say that he would do all that lay in his power to prevent the exhibition of any partiality on the part of the police, or of anyone else; and he was bound to say that, after a careful investigation of the whole of the facts, he could not find any evidence of partiality established in the present case. In reply to the question put by another hon. Member, as to the increase in the expenditure for police, he might point out that that increase was very nearly in the proportion of 2 per cent, and rested upon the increase in the numbers of police due to the natural growth of population.

Question put, and *agreed to*.

Motion made, and Question proposed,

"That a sum, not exceeding £245,844, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Superintendence of Convict Establishments, and for the Maintenance of Convicts in Convict Establishments in England and the Colonies."

Mr. T. P. O'CONNOR said, he did not intend to raise any question upon any of the items of this Vote; but he wished make an appeal to the Government. This Vote raised a question upon which the Irish Members felt very

strongly, and that was the treatment of political prisoners, especially his friend, Mr. Michael Davitt. Upon this question he had the support, not only of his Irish Friends, but of one or two English Representatives; and it had been represented to him that the best course would be to appeal to the Home Secretary. As it was now midnight, he wished to ask the right hon. and learned Gentleman to consent to postpone this Vote, and that would involve no waste of time, because there were other Votes which might be easily disposed of.

SIR WILLIAM HARCOURT, in reply, said, that he was always ready to meet any proposals which facilitated the transaction of Business, and if the proposal of the hon. Member would have that effect, he should be very glad to fall in with it; but he did not exactly understand what it was the hon. Member proposed to postpone.

MR. T. P. O'CONNOR: Vote 24.

SIR WILLIAM HARCOURT expressed his willingness to accede to the suggestion.

Motion, by leave, *withdrawn*.

(32.) £293,759, to complete the sum for Prisons, England.

MR. BYLANDS reminded the Committee that the Home Secretary's Predecessor had induced the House to support the Prisons Bill, and that, in consequence, the management of the prisons was transferred from the local authorities to the State, with the expectation that there would be a great improvement in the administration and great economy in the expenses of the prisons. He himself had grave doubts at the time as to the wisdom of the course, and did what he could to oppose it; but, in consequence of the representations made by the late Home Secretary, which were, no doubt, made in good faith, the House was induced to assent to the measure, and the prisons were handed over to the central authorities. Amongst other arguments raised by the late Home Secretary was the expectation that, under good management, prison labour would produce £60,000 a-year. But in the Estimate now before the Committee there was no Return for prison labour, and experience had proved that the late Home Secretary was entirely misled in his anticipations on this point. The

Prisons Commissioners, in their Report, stated that the Estimates of the produce of prison labour for 1878-9 and 1879-80 were worthless; and it was, in consequence, thought better not to make any Estimate for 1880-1. He had never anticipated that, under the management of the central authority, any advantage would be gained with respect to prison labour, or that the prisons would be more profitably employed than when under local authority. The average cost, under the old system, of Crown prisoners was £27 per head; but the new Prisons Act having been in operation for two years that average had only been reduced to £23 per head. That average was considerably higher than the average cost of prisons in Lancashire during the last year of local management. The average there was £17 per head. He was satisfied that the experience of the Act had not shown any very great advantage, and he regretted more and more every day that the Act should have been passed interfering with the local administration of prisons; but as the prisons were now under the control of the State, every effort should be made to reduce the cost of the prisons, and he would call attention to these facts with that object.

SIR WALTER B. BARTELOT said, he had also opposed the Prisons Bill; but as it was now an Act of Parliament, the Committee had now the present state of things to deal with only. He wished at once to thank the right hon. and learned Gentleman the Secretary of State for the Home Department for the courtesy and consideration he had shown to the Visiting Justices, and the wish he had expressed to support them in their anxious endeavours to discharge to the best of their ability the important duties that had been intrusted to them. He would not enter into the question of cost, because he thought it was hardly fair when things were in a transition state, to make any comparison; but he had always contended that it would be difficult for the Government to manage the prisons at a less cost than the local authorities. There were two points of a totally different character which he desired to mention, and which were of great importance to the ratepayers. The first was as to the conveyance of prisoners to prisons before trial. A test case, which was decided in favour

of the county of Surrey, had been appealed against by the Government. He hoped the decision would not be set aside by the High Court, for this was one of those questions which would help local taxation, and in the interests of all the country it was important that the prisoners should be conveyed at the public expense. He hoped that, whatever might happen, the Home Secretary would take that into consideration, in order that the localities might be relieved of that item of expense. The next question was that of criminal lunatics. The Committee upon that subject had not yet reported; but he hoped that criminal lunatics would in future be confined in State prisons, and not sent to the county asylums. Such persons ought to be maintained by the State, and he hoped the Home Secretary would see his way to effect that.

MR. MAGNIAC said; he must also complain of the hardship of throwing the maintenance of criminal lunatics upon the ratepayers. That practice should be done away with, whatever the Committee might report. With regard to the conveyance of prisoners, the spirit of the Bill which the Committee were considering certainly was that the cost should be borne by the country. These were not contentious matters, and he hoped the Bill would pass through the House as a matter of course; and, at all events, the counties had a right to expect the Government to pay some attention to these matters during the next Session. The expectations held out by the late Home Secretary respecting economy had not been realized; but how far the Act had failed in that respect it was impossible to say, because the gentlemen appointed to examine the accounts of the prisons had given up the task as hopeless owing to the way in which the accounts were kept. No attempt was made to value prison labour on any intelligent principle, and it was most important that this should not be allowed to continue any longer.

SIR WILLIAM HARCOURT: With reference to the cost of the prisons, that is a very difficult and complicated matter. I desired to have as careful a comparison between the former and present state of things as could be got; but the old system was carried on upon such a totally different system of accounts from any we now have in operation that we cannot

compare like with like, and I do not think that with the greatest care and trouble it is possible to state exactly what is the difference in cost between the one state of things and the other. I have a table here which gives a general result, and I have the total cost for all the local prisons under the old system. From 1871 to the time when the prisons were given up the cost ranged between £600,000 and £560,000. The Estimate this year gives the total cost as £463,000. Therefore, although I do not by any means pledge myself for the accuracy of these results, still I believe it is not unfair to state that the cost of the prisons as they are now worked is about £100,000 a-year less than it was before the change. Although I confess I am not very hopeful on the subject of prison labour, still there is a great deal to be done to improve the present system by doing away with the small prisons, and so reducing the total staff. Of course, we were obliged to keep the old staff, and in that way I do not think much economy has been gained; and if my hon. and gallant Friend opposite (Sir Walter B. Barttelot) succeeds in throwing upon the State the whole cost for the conveyance of prisoners, I am afraid we shall look more unfavourable in the future than we do now. The Committee will observe that the Estimates for the present year are, to a certain extent, less than those of last year. I am very grateful to the hon. and gallant Member for the way in which he spoke of my efforts respecting the Visiting Justices. It would be too much not to expect at the first a little friction between the new Governors of the prisons and the old machinery; but I hope that has disappeared, and it is extremely agreeable to find that what efforts I may have made have been appreciated. The Reports from the Visiting Committees have been most favourable as to the working of the present system; and I can assure the hon. and gallant Member that anything I can do to still further improve the system shall be done.

MR. CALLAN complained that, whereas numerous details were given as to the salaries of Governors of some of the convict establishments, very slight details were given as to others where the total cost was greater.

SIR WILLIAM HARCOURT explained that an Appendix had been pub-

Sir Walter B. Barttelot

lished giving all those details—No. 176, Parliamentary Papers.

Mr. CALLAN said, that when he brought forward the case of Catholic chaplains last year the Home Secretary said the information which he had laid before him was as careful as it was new, and promised that the Government would endeavour to deal with the question in a satisfactory manner. In the absence of any information in the present Estimates upon that subject, he wished to ask the right hon. Gentleman for some explanation, and whether, if he moved for a Return in continuation of the Return moved for last year, it would be given?

SIR WILLIAM HARCOURT: With regard to this matter, the Government gave a distinct pledge, and, in fulfilment of that pledge, a Departmental Committee was appointed to consider the matter, and that Committee reported on the 24th January this year. They gave a detailed statement with regard to Catholic chaplains, and only lately I saw a gentleman who is interested in the subject, and he assured me that he had been in communication with the Catholic bodies, and found that they were perfectly satisfied with what had been done in the direction of placing the salaries of the Catholic chaplains on a proper footing.

Vote agreed to.

(33.) £132,626, to complete the sum for Reformatory and Industrial Schools, Great Britain.

Mr. ARTHUR O'CONNOR said, the manner in which the right hon. and learned Gentleman the Home Secretary had received all the suggestions made to him that evening encouraged him (Mr. Arthur O'Connor) to remind him that early this Session he addressed a question to him as to reformatories, and the treatment of the children in those institutions. He had obtained from the right hon. and learned Gentleman an intimation that it was the intention of the Government to consider whether it would not be possible to do away with compulsory preliminary imprisonment of the children who were sent to reformatory schools. He (Mr. Arthur O'Connor) might be mistaken as to the terms of the right hon. and learned Gentleman's reply, but it was something very like that. If the right hon. and learned Gentleman could see his way to abolishing the com-

pulsory imprisonment of children to be sent to reformatory schools, it would be a great benefit to the community. Children were sent to these schools much too young; and in his last Report one of the Inspectors complained that he had found a hardened criminal of the age of 8, who had been sent to prison for no other crime than having been in the company of his two elder brothers when they committed an offence.

SIR WILLIAM HARCOURT: I need hardly tell the hon. Gentleman that this is a subject which occupies my mind a great deal. I suppose we have all of us—all the Members of the Government—in our Departments had a great many disappointments this Session, and have seen the failure of measures we were anxious to pass. No one has felt disappointment more keenly than I have in not having been able to introduce a measure dealing with juvenile offenders. At the same time, I am very glad to think that, public attention having been called to the difficulties of this case, the evil has been diminished to a very great extent. It has not altogether removed it. I have had inquiries made into particular cases that were complained of, and I must say the result has been to lead me to think that the imprisonment ought not to be compulsory or preliminary to sending a child to a reformatory. There is some difference of opinion upon this subject; but I think there is a preponderance of opinion amongst those who are most experienced on these subjects against the compulsory imprisonment. The much larger subject of the footing of industrial and reformatory schools should be, or is, a very serious financial question. The proposals made would entail a heavy charge upon the public funds. We ought not merely to attempt to put the law on a better footing, but to consider and revise the whole system of industrial and reformatory schools.

Mr. MAGNIAC said, he should like to remind the right hon. and learned Gentleman of the desirability of some charge being imposed on parents for the maintenance of their children in these reformatory and industrial schools. The present system was a premium upon vice—it was a premium to parents to induce their children to commit crimes in order that they might be sent to industrial institutions free of charge. He

(Mr. Magniac) thought this question was well worthy of the consideration of the Government.

Vote agreed to.

(34.) £18,019, to complete the sum for Broadmoor Criminal Lunatic Asylum.

MR. ONSLOW said, he should like to know whether, when criminal lunatics came from India and other places, as he happened to know they did sometimes, they were charged for in this Vote, or whether India contributed towards the expenses of their maintenance? He thought he was right in saying that wherever the criminal lunatics that were sent to Broadmoor Asylum came from they were charged to the revenues of this country.

MR. MAGNIAO said, there was a general feeling that Broadmoor Asylum was a most expensive establishment, and also that the discipline was singularly loose. A case occurred quite lately which was an indication of the unsatisfactory manner in which the establishment was carried on. Two persons whilst engaged in play nearly succeeded in making their escape. The whole of the establishment required reorganization. Its cost was enormous, the results were very unsatisfactory, and certainly the management of the establishment should be carefully considered by the Department over which the right hon. and learned Gentleman (Sir William Harcourt) presided.

MR. RYLANDS trusted that the Home Secretary would find time, in the midst of the various heavy duties that devolved upon him, to give some attention to this criminal lunatic asylum at Broadmoor. He (Mr. Rylands) had called attention to the enormous cost of the institution in 1877; and every year since, unless he was mistaken, he had had an opportunity of drawing the attention of the Government to the matter. He was glad to see that since 1876 there had been a little diminution in the charge per patient; but the average cost of the inmates in the present year was still excessive in comparison with various other institutions of the kind. The average cost during the present year, for each patient, would be £52. He found that in the Perth Asylum the average cost was £31, and at the Dundrum Asylum, £34. In the ordinary lunatic

asylums throughout the country the average cost of the inmates per head was from £26 to £28. A convict prisoner cost on an average £33 per head; they, therefore, saw that the cost at Broadmoor was enormously above that at any other institution in the country. He trusted the Home Office would be able to bring their influence to bear upon the establishment to check the extravagant expenditure, and that in another year they would see a substantial reduction of this Vote. It ought to be reduced by several thousands of pounds.

SIR WALTER B. BARTTELOT said, he did not wish to stand up for the management of the Broadmoor Asylum; but he was sorry the hon. Member for Berkshire (Mr. Walter) was not in his place, because he had always offered a strong defence of this institution. The hon. Member had always pointed out that in this asylum there were many dangerous criminal lunatics who required a great deal more attention than other insane people. He had pointed out that the managers of the institution had endeavoured to cut down the expenses as much as possible. One day he was asking the hon. Member whether the expenditure at the asylum could not be cut down to a still greater extent; and the reply was that it would be impossible, and that he (Mr. Walter), as a Visitor, would be unable to continue in the office any longer if it were cut down, as he would not answer for the consequences. It certainly would appear that the expenses were excessively high, but the reason which was always given for it was that these criminals were of the most dangerous character; and, therefore, it was necessary that more money should be spent for their safe custody.

SIR WILLIAM HARCOURT: I think it will be satisfactory to my hon. and gallant Friend, and to the Committee generally, to know that some progress is being made with the reforms at Broadmoor Asylum. According to some statistical information I have here, it appears that the expenditure in 1870 upon the criminal lunatics was £60 18s. per head; in 1875 it was £59 13s.; and in the year ended March 31, 1881, it was only £47 4s. per head. The expenditure has been brought down from £60 to £47, which is a very remarkable reduction. Whether or not

Mr. Magniac

it is possible to deal with 500 criminal lunatics at a less cost than £47 per head is a thing I am not prepared at present to go into. It is plain that we must have an expensive staff of doctors and warders and persons of that description; and I should be inclined to think that if you can keep your expenditure to less than £1 per week per head you are doing an extraordinary thing. With regard to criminal lunatics sent from India, the Indian authorities do contribute towards their maintenance.

MR. RYLANDS said, although, no doubt, the criminal lunatics at Broadmoor were dangerous, so also were the criminal lunatics in the Perth and Dundrum Asylums, and yet they did not cost anything like the same amount of money. If the right hon. and learned Gentleman would look at the number of attendants in the Broadmoor Asylum, he would find that there was one for every four lunatics. Not only was it a numerous, but it was a most expensive staff—more so than the staff of any other asylum.

MR. ARTHUR O'CONNOR said, there was one item in this Vote which was not found in the corresponding Vote for Ireland—that was not found in the Vote the hon. Gentleman opposite had just mentioned, for the Dundrum Asylum. On page 223 they would find, under sub-heads N and O "New Buildings and Alterations, £667," and "Alterations and Repairs to Buildings, Roads, &c. £1,800." From that it would be seen that the authorities at Broadmoor Lunatic Asylum were receiving between £2,000 and £3,000 a-year for buildings and repairs. Surely that seemed a very large sum; and, doubtless, during a long course of years Broadmoor had received a great deal more money than it could possibly have spent upon reasonable buildings and repairs, whereas Dundrum had all along been begging at the doors of the Treasury for some miserable pittance to carry out the necessary works for the benefit of the inmates—to get a dining-room where the patients could sit comfortably, for instance. Would the noble Lord explain how that exceptional item had been placed on the Establishment Vote?

LORD FREDERICK CAVENDISH said, it had been thought advisable to gather together all matters connected with this subject under one head.

Vote agreed to.

VOL. COLXIV. [THIRD SERIES.]

(35.) Motion made, and Question proposed,

"That a sum, not exceeding £40,700, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Lord Advocate's Department and others connected with Criminal Proceedings in Scotland, including certain Allowances under the Act 15 and 16 Vic. c. 83."

MR. BIGGAR said, that, with regard to this Vote, he wished to move to reduce the salary of the right hon. and learned Gentleman the Lord Advocate of Scotland. The matter he wished to refer to arose out of a case about which some conversation had taken place a short time ago upon another Vote, and he would briefly state the facts on which he founded his Motion. It seemed that in August last year a procession of Irish Nationalists took place in Glasgow. The Irish Members had always contended that processions, whether of Orangemen or non-Orangemen, if the processions were peaceful, and did not annoy the residents of the localities, were legal; and they had always held that it was the duty of the civil authorities to protect such processions. On the occasion in question, a large procession went from Glasgow to some other district, and returned back to Glasgow. It became evident during the day that a large mob was collecting at a certain place for the purpose of making an attack upon the procession; but no effort was made, as far as he could gather, on the part of the police, to scatter that assemblage. The anticipated attack took place, and the result was a general fight. After the fight had commenced, the police seemed to have acted with pretty general impartiality, because they arrested members of both parties. In giving their evidence before the magistrates, the police also seemed to have acted with fairness, because they proved they had taken all these parties, red-handed, in the fight. The stipendiary magistrate happened to be absent from Glasgow at the time, and the case came before a Scotch bailie, named M'Onie, whose position in life he (Mr. Biggar) was not acquainted with. This Bailie M'Onie fined all the processionists very heavily; but allowed those who had attacked the procession to go free, though the case was proved principally on the evidence of the police who had taken all

the prisoners into custody, red-handed. The prisoners, on both sides, attempted to show that they were entirely innocent, and it might be very reasonably supposed that there was not very much difference in the credibility of the witnesses in favour of the processionists, and those in favour of the parties who attacked the procession, and Bailie M'Onie gave the benefit of the doubt to some of the defendants. It was singular that he gave the benefit of the doubt to all the non-Catholic defendants, and punished heavily all the Catholic defendants. An appeal was made to the Lord Advocate to have the sentences remitted if possible; but it did not appear clear whether or not the Lord Advocate had recommended to the Home Secretary the remission of the imprisonment to which the prisoners were sentenced. The magistrate had acted in such a shamefully partial manner that he (Mr. Biggar) should have thought that the Home Secretary would have at once remitted the penalties if the facts had been brought before him. There was something very special in the case of one of the prisoners. His case was different to all the rest in this way—he had come to the police court to give evidence in favour of some of the prisoners, and whilst he was there someone said — “Oh! he was in the riot himself, and we will take him too.” That man was taken up, although there was no clear evidence that he was connected with the riot. Everyone who had seen a riot knew that everything was in confusion, and that it was a very different thing to keep an eye upon a person, and fix him in the mind as having been one of the rioters, and to take a person red-handed on the spot. It was afterwards proved that the prisoner could not have been guilty of that which was attributed to him, because another man distinctly stated that he was the person who had committed the act which the other was accused of. So that in this case there was a clear miscarriage of justice. On all these grounds, he thought that some censure should be passed on the Lord Advocate, for not having given the benefit of the doubt to the Catholic defendants, when Bailie M'Onie had distinctly given the benefit of the doubt to the non-Catholics. He would move that half the Lord Advocate's salary be taken off.

Mr. Biggar

Motion made, and Question proposed, “That a sum, not exceeding £39,700, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Lord Advocate's Department and others connected with Criminal Proceedings in Scotland, including certain Allowances under the Act 15 and 16 Vic. c. 83.”—*(Mr. Biggar.)*

THE LORD ADVOCATE (Mr. J. M'LAREN) said, this had been considered a reasonable subject for inquiry; and it had been already explained by the right hon. and learned Gentleman the Home Secretary that action had been taken by the Home Office, with his (the Lord Advocate's) assistance, for the purpose of investigating the matter. The prisoners were not prosecuted by the Procurator Fiscal, who was under his Department, but by the burgh magistrates of Glasgow. No record was kept of the proceedings in such cases; but he had obtained a Report on the subject from the legal gentleman who examined the witnesses, and the result of his perusal of that Report was to satisfy him that there was no partiality. A second appeal was made to the Home Secretary, and a further inquiry instituted, and in regard to the case of the man who set up an *alibi*, a very full and careful examination of the witnesses was instituted. The Report was submitted to his right hon. and learned Friend, and the subject received from him the most careful consideration.

MR. ANDERSON said, that, as far as he could make out, the charge against the Lord Advocate was that he had failed to find out that Bailie M'Onie had acted in an extremely partial manner. He (Mr. Anderson) happened to know Mr. Bailie M'Onie very well, and he knew him to be a man of high position in Glasgow, and a man of the highest character, utterly incapable of acting in the manner the hon. Member for Cavan had described. He (Mr. Anderson) felt bound to stand up for Bailie M'Onie and defend him when he was attacked in this way. As a magistrate he might have made a mistake, and not have judged the matter so well as the stipendiary would have done; but there could be no doubt that Bailie M'Onie was quite incapable of acting in the partial manner which had been attributed to him by the hon. Member. He (Mr. Anderson) did not suppose the hon. Member for Cavan

seriously meant to take a division on this Vote; therefore, he did not think it was necessary to say anything further.

MR. BIGGAR said, he did not happen to know Bailie M'Onie personally, and he was not even aware of his profession or position in life, nor anything at all about him; but he did know what he had read. He had read a report of the evidence in a Glasgow newspaper, and he must say that this person had acted either in the most stupid or in the most dishonest way imaginable. He had acted in perfect contradiction to the evidence in one set of cases. Having taken the evidence of the police, he let one set go scot free, while on similar statements he sent another set to prison. If the Lord Advocate had recommended the Home Office not to allow any commutation of the sentence, he should ask the Committee to divide upon his Motion; but, on the other hand, if the Lord Advocate had recommended a commutation of the sentence, and the Home Secretary had not acted on that advice, it was clear that the Home Secretary's salary ought to be reduced, and not the Lord Advocate's.

SIR WILLIAM HARCOURT: The hon. Member is quite right; it is my salary that ought to be reduced. The responsibility in this matter is entirely mine. The Lord Advocate was good enough to give me his advice, and thereby threw all the responsibility upon my shoulders; consequently, if any wrong has been done it has been done by me, and if anyone is to blame it is myself and not the Lord Advocate. All that I can say is that I thoroughly investigated the case, and came to the conclusion that there had been no partiality whatever exhibited by the magistrate. Mr. Ferguson, as has been already stated this evening, said most distinctly, in his second application, he would withdraw the charge of partiality. The question was whether or not the sentences ought to be interfered with, and upon a full view of the case I came to the conclusion that there ought to be no interference.

MR. BIGGAR said, the Lord Advocate had stated that he would not entertain the idea of bringing about a remission of the sentence unless the charge of partiality which had been brought against Bailie M'Onie was withdrawn. The withdrawal was made, but it was couched in such ambiguous terms that

it was doubtful whether it was a withdrawal or not. He (Mr. Biggar) having read the evidence, really did believe that the conduct of Bailie M'Onie was thoroughly partial and thoroughly dishonest; but, seeing that no practical good could result from coming to a division on the question of reducing the Lord Advocate's salary, he begged leave to withdraw the proposal.

MR. ANDERSON said, the hon. Member for Cavan (Mr. Biggar) had an extraordinary method of defending his friends, because he said Mr. Ferguson made an ambiguous withdrawal for the purpose of gaining certain ends of his own, not because he thought it was just and right to do so.

MR. PARNELL said, the case looked very suspicious against the police, if not against the magistrate. There appeared to be every ground for the impression, which had spread very widely amongst the Irish people of Glasgow, that the Irishmen who formed the procession were treated with great harshness, and that the persons who attacked the processionists were defended by the police in an improper manner. The procession was arranged by the Irish people of Glasgow, and it was walking peacefully through the streets of the town when it was attacked. No fewer than 25 of the processionists were arrested and punished severely, whilst only five of those who attacked the procession were arrested, and they were all let off. They were all aware it was the duty of the police to interfere with processions that were prohibited by law; but he was not aware that this procession had been an illegal one. It had always been the practice to arrange beforehand with the police as to the route the procession should take; and that course, he believed, was adopted on this occasion. It certainly seemed to him very unfair that those who commenced the affray should be allowed to get off scot free; whereas 25 of the people who were set upon, and defended themselves whilst executing their rights as citizens, were sentenced to lengthy periods of imprisonment.

MR. ARTHUR O'CONNOR said, that if he were inclined to move the reduction of the salary of the Lord Advocate—which, indeed, he was not inclined to do—he should do it on very different grounds to those advanced by the hon. Member for Cavan (Mr.

Biggar). He should do it on the ground which had been declared by a Gentleman who was very popular in Scotland, the late Member for Edinburgh, Mr. M'Laren. That Gentleman declared that all the evils that existed in Scotland came from the fact that the country was ruled by a Lord Advocate; and he had expressed the hope that at some time or other they might have a Home Secretary for Scotland. These words were spoken in this House only two years ago; and, no doubt, the statement was one with which the right hon. and learned Member (the Lord Advocate) would not agree. He (Mr. Arthur O'Connor) thought his hon. Friend (Mr. Biggar) had done wisely in withdrawing his Motion, because the Lord Advocate was to be acquitted from all blame, though he (Mr. Arthur O'Connor) shared the feeling of the hon. Member for the City of Cork (Mr. Parnell), that justice was not altogether done in this particular case to his fellow-countrymen in Glasgow. In page 235 there was an item for four clerks to Advocates Depute, the salaries being £80, and the total £320. He (Mr. Arthur O'Connor) did not believe these four clerks existed. There were not four clerks; there were four clerkships, but they were at present held by two persons, who divided the spoil between them. Whether all four appointments were held by one person or not at present he was not able to say; and he was obliged to ask the right hon. and learned Gentleman how it was that these four clerkships were kept up, and whether there was not room here for the exercise of a little economy? Then, again, on another page there was the item for four Principal Clerks of Session, at £1,000 a-year each; but the amount only came to £2,000. There seemed to be a miscalculation of £2,000, and perhaps the right hon. and learned Gentleman would explain it.

THE LORD ADVOCATE (Mr. J. M'LAREN) said, that the salaries last referred to came under another Vote. As to the four clerks, he could assure the hon. Member, whatever might have been the custom in past times, that Vote represented the salaries of four separate and distinct clerks. There were four Advocates Depute, and it was necessary that each should have a clerk in order to prepare indictments. As an illustration of the amount of work that had to be done,

he might mention that all the indictments in Scotland were prepared by these persons under the direction of the Advocates Depute.

MR. J. A. CAMPBELL said, that before the Motion of the hon. Member for Cavan (Mr. Biggar) was formally withdrawn, he wished to say he had the pleasure of knowing Bailie M'Onie, and he was sure he was incapable of the conduct alleged against him. Moreover, it should be remembered that the magistrate had the assistance of a legal assessor, so that he did not act entirely without legal assistance. Even supposing a mistake had been made, which he did not admit was the case, it was out of the question to propose that the Lord Advocate should be punished for it.

MR. ARTHUR O'CONNOR said, he had here an extract from the last Report of the Comptroller and Auditor General with regard to the Clerks to the Advocates Depute. This official said that between 1879 and 1880, the last completed financial year, the four clerkships were held by two clerks, each of whom received £160 a-year. The salary of £80 was fixed on in lieu of fees. He thought that the Lord Advocate would see that he (Mr. O'Connor) had had some ground for putting his question.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(36.) Motion made, and Question proposed,

"That a sum, not exceeding £39,008, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Courts of Law and Justice in Scotland, and other Legal Charges."

MR. FINDLATER said, he wished to move to reduce the Vote by £650, for the purpose of calling attention to the case of Mr. Johnstone, Sheriff Clerk of Cupar, in the Eastern District of Fife. Mr. Johnstone was the sheriff clerk at Cupar, and he also had a large business as an ordinary solicitor; but he had taken in a young practitioner, a man of two years' standing in the law in Edinburgh, and had given him a partnership, nominally excluding himself from all share in the ordinary profits of the business of solicitor. Mr. Johnstone was to act as sheriff's clerk, and all the other business was to be attended to

Mr. Arthur O'Connor

by his partner. By the law of Scotland, a sheriff's clerk was precluded from practising as a solicitor. Well, the practitioners in the district felt very strongly on that case, and they sent a Memorial to the Lord Advocate; and the Lord Advocate, in his answer, admitted that the conduct of Mr. Johnstone was a violation of the spirit, if not of the letter, of the law, and offered the concurrence of his Office in having the question brought before the Court of Session. The Memorialists were not wealthy men, and they felt it was a great scandal affecting very largely the administration of justice; and they were of opinion that the Lord Advocate should have taken the case up himself, and not have left it to private individuals to take proceedings. There was a rule in the County Court Law of England, which placed the initiative in these matters in the hands of an official; and he (Mr. Findlater) did not see why the same rule should not apply to Scotland. The position of Mr. Johnstone was one of great importance, and it was a great scandal that he should be able to tax the costs of his own partner.

Motion made, and Question proposed,

"That a sum, not exceeding £38,368, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Courts of Law and Justice in Scotland and other Legal Charges."—(Mr. Findlater.)

MR. ANDERSON said, he thought the case indicated a wrong practice—it was a practice discreditable to a man who occupied a judicial capacity as sheriff clerk in a Sheriff's Court, and, at the same time, was, through his partner, a practitioner entitled to practice in that Court. It might become a settled conviction throughout the country that those who employed the sheriff's clerks partner would get a larger share of justice than those who did not. Such proceedings as that ought to be put a stop to. If it was permitted now under the sanction of the Lord Advocate and the authorities, the practice would spread all through Scotland. Already, he believed, there were two or three other cases of the same kind—cases where sheriff's clerks were enjoying a share of the remuneration obtained by their partners practising in their Courts. It was pre-

tended that their partnership arrangements were such that they (the sheriff's clerks) had no share in the profits of the practising part of the businesses; but that was hardly a contention to which any weight was to be attached, because, when the partnership was arranged, the fact that the new partner was to get all the profit on the contentious business would be considered in the terms of the agreement. It was, therefore, a mere evasion of the spirit of the law to allow the thing to be done in any way whatever, and he did hope the Lord Advocate would put a stop to the practice.

THE LORD ADVOCATE (Mr. J. M'LAREN) said, he agreed with the hon. Members who had spoken as to the inexpediency of the practice of allowing the partners of sheriffs' clerks to practise in the Sheriff Courts. The sheriff clerk had no judicial duties to perform, however, and was merely an executive officer of the sheriff. By a rule of the Court no sheriff's clerk was allowed to practice in the Court to which he was attached, directly or indirectly; but it was a question whether that rule prevented his partner from practising in his own name. He thought the Committee would agree with him that the practice by which partners of sheriff's clerks undertook business in the Sheriff Courts was contrary to the spirit of the regulations; but whether a case of this kind could be made the subject of a public prosecution he would not undertake to affirm. The solicitors of the county of Fife had taken up this matter warmly, and had shown some *animus* towards their colleague, because they complained of his practising as a conveyancer, which was perfectly legal. If sheriffs' clerks were not allowed to practise as conveyancers, the Government would be unable to obtain the services of sheriffs' clerks for the salaries which were now paid. It seemed to him that the solicitors of Fife, having taken up the matter, were the proper persons to prosecute. He was willing to give his fiat for that prosecution when necessary, and the matter was now under the consideration of the solicitors. As to the question which had been put to him concerning the four Principal Clerks of Session, the explanation was that according to the statute there ought to be four of these Clerks, but for many years there had

only been two; therefore, only two appeared on the Estimate.

MR. ANDERSON said, he did not think the explanation of the Lord Advocate went quite far enough. The Lord Advocate was at the head of public justice in Scotland, and, therefore, was bound to take care that the law was obeyed. The right hon. and learned Gentleman ought not to leave it to private prosecutors to take up the case, but should himself see that the law was carried out.

Question put.

The Committee *divided*:—Ayes 20; Noes 52: Majority 32.—(Div. List, No. 358.)

THE LORD ADVOCATE (Mr. J. M'LAREN) said, that, in consequence of the expression of opinion in the Committee, he proposed that representations should be made to Mr. Johnstone on the subject.

Original Question put, and *agreed to*.

COLONEL ALEXANDER said, that, seeing the Committee would resume work again at mid-day, it was only reasonable that Progress should now be reported.

LORD FREDERICK CAVENDISH said, he was extremely obliged to the Committee for the amount of work got through, and he hoped it was not too much to ask them to make a good job of it and finish the Class, for there were only two Votes remaining.

(37.) £25,422, to complete the sum for Register House Departments, Edinburgh.

MR. DICK-PEDDIE asked what determination had been arrived at in regard to the Memorial from the "Third-Class Clerks," and the re-arrangement of the Office?

LORD FREDERICK CAVENDISH said, it had been made the subject of inquiry, and the Memorial was being carefully considered.

MR. DICK-PEDDIE said, this was not the opportunity to bring the subject forward, and it would not be just to the claims of the clerks to do so; but he would take an early opportunity of referring to it next Session.

Vote agreed to.

The Lord Advocate

(38.) £87,340, to complete the sum for Prisons (Scotland).

MR. DICK-PEDDIE said, on page 255 in the statement of the officers of the prisons he found that there were 41 chaplains, and out of the whole sum for the expenses of these, the Roman Catholic priests only received £100; and considering that a third of the prisoners in Scotch prisons were Roman Catholics, it was rather an unfair proportion. But he did not wish to do more than refer to it just now.

MR. ARTHUR O'CONNOR asked whether the assurance the Home Secretary had given to the hon. Member for Louth as to the proportion of chaplains in prisons might be taken as embracing Scotland?

SIR WILLIAM HARCOURT said, there was greater difficulty in dealing with the subject, because the prisons were smaller than those of England; but he would undertake to make it the subject of further examination.

Vote agreed to.

Resolutions to be reported *To-morrow*.

Committee to sit again *To-morrow*.

REGULATION OF THE FORCES BILL.

(Mr. Secretary Childers, The Judge Advocate General, Mr. Campbell-Bannerman.)

[BILL 193.] CONSIDERATION.

Order for Consideration, as amended, read.

MR. CHILDERS said, he wished to put a question to the hon. Member for Cavan (Mr. Biggar), who had a Notice down which blocked the Bill. There was, he believed, no other opposition to the Bill, and it was a great object that the Bill should pass as soon as possible, so that the Consolidation Bill should pass in the interest of prisoners under courts martial. Would the hon. Member take off his opposition to this Bill, in order to leave the way clear for the Consolidation Bill?

MR. BIGGAR said, his hon. Friend the Member for the City of Cork (Mr. Parnell) who, as the House would recollect, took a great interest in the Army Regulation Bill of a few Sessions ago, had expressed a wish to suggest Amendments, and until he had had an opportunity of conferring with his hon. Friend he would rather not promise; but he

would be prepared to decide by Monday.

Consideration, as amended, *deferred* till Monday next.

CORRUPT PRACTICES (SUSPENSION OF ELECTIONS) BILL.—[BILL 238.]

(*Mr. Attorney General, Secretary Sir William Harcourt, Mr. Solicitor General.*)

COMMITTEE.

Order for Committee read.

Bill *considered* in Committee.

(In the Committee.)

Motion made, and Question proposed, "That the Preamble be postponed."—(*Mr. Attorney General.*)

MR. WARTON desired to know why should the Preamble be postponed?

THE CHAIRMAN: It is the ordinary practice, and it is in order that the Preamble may be made to correspond with the Bill, should the Bill be amended.

MR. WARTON said, it occurred to him that in this case there was much more in the Preamble than in the remainder of the Bill.

THE CHAIRMAN: The hon. and learned Member will have an opportunity of proposing Amendments to the Preamble, if he desires to do so.

Question put, and *agreed to.*

Clauses 1 and 2 *agreed to.*

Schedule.

MR. WARTON said, in deference to the ruling of the Chairman, he had not challenged the postponement of the Preamble; still, he did not quite understand why it should be postponed.

THE CHAIRMAN: It is the Schedule upon which the Committee is now engaged.

MR. WARTON said, he was aware of that; and he had an Amendment to propose to the Schedule. But he wished to explain, in order that the hon. and learned Gentleman the Attorney General might understand his object. In this particular Bill there was much more in the Preamble than in the Schedule, and he had to show how the one reacted on the other. It would have been much better to have taken the Preamble first, and the usual practice was absurd in

this case. The exact Amendment he had now to propose was to omit the second column of the Schedule. He could not see that there was any necessity to provide an abstract of the cases against each particular borough. He did not wish to challenge the accuracy of the abstract; but on another occasion it might be the opportunity for statements unfair or unjust towards a constituency. In suspending elections for a time, it was not necessary to give an account of the delinquencies in each particular borough which might be complete or uncomplete. Fair or unfair, he could not see the reason for it; and the Amendment he had to propose, taken in connection with the Preamble, would involve the amendment of the latter, so that the second and third paragraphs would read—

"Whereas the said Commissioners have reported in each and all of the said cities and boroughs corrupt practices have prevailed in one or more elections."

And then, again—

"Whereas it is expedient, with a view to future consideration, to provide for the temporary suspension of elections therein."

There was no occasion, as a matter of principle, for saying what this or that borough had done, and how far corrupt practices had prevailed. If the hon. and learned Attorney General could give a precise reason for it, and say it was founded on precedent, then, as a Conservative and a lawyer, he would acquiesce.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, it seemed to him that in taking away the Constitutional right of a constituency to representation, the Act should set forth why this course was taken. Of course, if it were taken generally to the effect that in one or more elections corrupt practices have prevailed, then the whole might be unfairly classified as equally delinquent. But the hon. and learned Member was willing to be guided by precedent, and he would find such a precedent in Section 12 of the Representation of the People Act of 1867. That precedent had been followed, and therefore the Schedule had been provided. If there was anything that could be shown to be unfair in it, that unfairness could be remedied.

Schedule *agreed to.*

Preamble.

MR. WARTON said, in consequence of the statement of the hon. and learned Gentleman the Attorney General he had not pressed his objection; but he must take exception to the verbal construction of the third paragraph. In the 13th line were the words, "the cases by Parliament." That seemed but a poor weak way of expressing it. "The cases" did not indicate what cases, and did not even say the cases of the said cities and boroughs. He supposed the words emanated from the great Sir Henry Thring; but still he ventured to say his Amendment would improve the reading. His Amendment would be, first to strike out the words "of the cases," and then the words "by Parliament" would stand, and following these he proposed to add "in the cases of the said cities and boroughs," so that the whole should read—

"Whereas it is expedient, with a view to the future consideration by Parliament of the cases of the said cities and boroughs, to provide temporarily for the suspension of elections therein,"

and that, he thought, would be a much better reading.

Amendment proposed, to leave out the words "of the cases" in line 13.—(*Mr. Warton.*)

Question proposed, "That the words proposed to be left out stand part of the Preamble."

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, the Amendment was really a question of the reversal of words, whether they should read "by Parliament of the cases" or "of the cases by Parliament;" and he really thought the hon. and learned Member would not think it worth while to press it.

MR. WARTON said, that was not so; it was much more than the mere reversal of words. True, he proposed to strike out the words "of the cases;" but, as he had explained, it was for the purpose of afterwards inserting after the word "Parliament," "of the cases of the said cities and boroughs," certainly a clearer and more elegant form of expression.

Question put, and *agreed to*.

MR. WARTON said, that after "cases" he proposed to put in the words "of the said cities and boroughs," for

really the words "of the cases" did not make sense of the paragraph.

Amendment proposed, in line 13, after the word "cases" to insert "of the said cities and boroughs."—(*Mr. Warton.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he thought the paragraph was properly drawn, and in grammatical English. It was hypercritical on the part of the hon. and learned Member to raise the objection, and to wish to send the Bill back to the Queen's printer for the sake of the alteration. He hoped the Amendment would not be pressed.

MR. WARTON said, he must press the Amendment; and he would ask anybody to say, in reading the paragraph, what "the cases" could possibly mean. He would send the Bill back to the printer and to the draftsman too.

Question put, and *negatived*.

Preamble *agreed to*.

House *resumed*.

Bill *reported*, without Amendment.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he hoped the hon. and learned Gentleman would return good for evil, and not object to the Motion he (the Attorney General) was now about to make—namely, that the Bill be read the third time.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Mr. Attorney General.*)

MR. WARTON said, he was quite ready to let the bad English go with all the sanction of the Attorney General.

Motion *agreed to*.

Bill read the third time, and *passed*, without Amendment.

WHITEBOY ACTS REPEAL BILL.

(*Mr. T. P. O'Connor, Mr. Justin M'Carthy, Mr. Gray, Mr. A. M. Sullivan.*)

[BILL 134.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Second Reading of the Bill be deferred till Saturday."—(*Mr. T. P. O'Connor.*)

MR. WARTON said, he must object to the Motion, for a solemn pledge had been given by the Prime Minister that nothing but Supply would be taken at the Saturday Sitting.

MR. T. P. O'CONNOR said, this was a private Member's Bill; but he was quite willing to agree to its being postponed to a later day, if the Government would take charge of it. He did not hear the Prime Minister's pledge given, and, of course, he (Mr. T. P. O'Connor) was not bound by it. He was quite willing to put off the Bill to a later day if the Government would withdraw their opposition. He was aware that he would be unable to proceed with the Bill this Session, but he only wanted to bring it to discussion; but that he was prevented from doing by the Notice of the hon. Baronet the Member for Bath (Sir Arthur Hayter), why put down he did not know. He had no wish to encumber the Saturday's Notice Paper if the Government would afford him another opportunity.

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, Her Majesty's Government could not afford the hon. Member any such opportunity.

MR. R. N. FOWLER asked Mr. Speaker if it was not open to a Member to move to amend the Motion for postponement by substituting Monday for Saturday?

MR. SPEAKER: Such a course has never been taken to my knowledge without Notice; but if the hon. Member thinks proper to move an Amendment the House will deal with it.

MR. R. N. FOWLER said, that he would beg to move that the Bill be postponed to Monday.

MR. WARTON said, he would second that Motion, which, though it might be unusual, was justified by the unusual circumstances. The Prime Minister had given a solemn pledge that nothing but Supply should be taken on the Saturday; and if any Bill were put down for that day he (Mr. Warton) should give it his decided opposition.

Amendment proposed, to leave out "Saturday" and insert "Monday" in proposed Question.—(Mr. R. N. Fowler.)

Question proposed, "That the word 'Saturday' stand part of the Question."

MR. T. P. O'CONNOR said, he would not put the House to the trouble of a division, but would assent to the Bill being put down for Monday.

Question put, and *negatived*.

Original Question, as amended, put, and *agreed to*.

Second Reading *deferred till Monday*.

CONVEYANCING AND LAW OF PROPERTY (re-committed) BILL—[Lords.]

(Mr. H. H. Fowler.)

[BILL 231.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 30, inclusive, *agreed to*.

Clause 31 (Appointment of new trustees, vesting of property, &c.).

MR. WARTON said, this clause was a very important alteration of the law with regard to trustees appointing themselves sometimes. He objected to the principle of preserving the right to trustees to appoint a new trustee in the event of a trustee being discharged or dying; and he proposed to insert, in line 29, after "in writing," the words "with the consent of the cestuique trustee."

Amendment proposed, in line 29, after "in writing," to insert "with the consent of the cestuique trustee."—(Mr. Warton.)

Question proposed, "That those words be there inserted."

MR. H. H. FOWLER said, the Bill had been referred to a Select Committee, by whom it was approved. The point raised by the hon. and learned Member was fully discussed by the Committee, and to guard against the possibility of doubt, sub-section 7 was introduced, which, in the opinion of the eminent counsel who drew the Bill, fully carried out, in legal phraseology, the provision as to trusts. He hoped the hon. and learned Member would not press the Amendment.

Question put, and *negatived*.

Clause *agreed to*.

Bill *reported*, without Amendment; to be read the third time upon *Monday* next.

EAST INDIAN RAILWAY [REDEMPTION OF ANNUITIES].

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient that the Secretary of State in Council of India be authorised to create and issue such Capital Stock bearing interest at the rate of three and a-half per centum per annum, or at any other rate not higher than four per centum per annum, as may be required for the purpose of purchasing the Annuities issued under "The East Indian Railway Company (Purchase) Act, 1879," or for the purpose of reducing other liabilities charged on the Revenues of India, and bearing interest at a rate not lower than the Stock so to be created.

Resolution to be reported upon *Monday* next.

House adjourned at a quarter after Two o'clock.

HOUSE OF COMMONS,

Saturday, 6th August, 1881.

The House met at Twelve of the clock.

MINUTES.]—SUPPLY—*considered in Committee*
—NAVY ESTIMATES; CIVIL SERVICES, Class V.
—FOREIGN AND COLONIAL SERVICES; Class VI.
—NON-EFFECTIVE AND CHARITABLE SERVICES;
Class VII.—MISCELLANEOUS; REVENUE DEPARTMENTS.

Resolutions [August 5] *reported*.

PUBLIC BILLS—*First Reading*—Universities of Oxford and Cambridge (Statutes) * [241].

Third Reading—Drainage (Ireland) Provisional Order * [220]; Elementary Education Provisional Order Confirmation (London) * [215], and *passed*.

QUESTIONS.

PARLIAMENT—RULES AND ORDERS— PETITIONS—THE BRADLAUGH PETITIONS.

SIR WILFRID LAWSON said, he wished to ask a Question of the Chairman of the Committee on Petitions (Sir Charles Forster). On the 23rd of June the hon. Member for Greenwich (Baron Henry de Worms) asked a Question of his hon. Friend whether a Petition presented in this form was one which could be accepted by the House. The Petition referred to the Bradlaugh case, and it was worded thus:—

"Your Petitioners therefore pray that your honourable House will cause the law to be obeyed and justice to be done, and forthwith allow Mr. Bradlaugh to take his seat on making a solemn Affirmation."

His hon. Friend replied that it was true that a Petition in which those words were contained had been submitted to the Committee on Petitions, and that the majority of the Committee had determined that those words were not disrespectful to the House. And in answer to a Question which the right hon. Gentleman the Member for North Devon (Sir Stafford Northcote) put to the Speaker in the same discussion, the Speaker said—

"That with regard to whether it would be right that Petitions of that character should be in future received by the House, it was a question for the decision of the House rather than for him to decide."

Two or three days ago he (Sir Wilfrid Lawson) was asked to present a number of Petitions with regard to the Bradlaugh case, and the following were the words of those Petitions:—

"That no one of the Estates of the Realm can, or may, by itself alter or override the statute law of the Realm; that the Resolution of your honourable House of the 27th of April and 10th of May last are respectively in direct conflict with the statute law; and your Petitioners therefore pray that your honourable House will immediately rescind the said illegal Resolutions."

He presented those Petitions, and he subsequently received this intimation from the Clerk of the Committee on Petitions:—

"The accompanying Petitions presented by you are informal, as they contain language disrespectful to the House of Commons. They will not, therefore, be submitted to the Select Committee on Public Petitions."

Now, the question he wished to ask his hon. Friend was this—that, as the House had certainly not taken any cognizance of those Petitions, whether the Committee on Petitions had had Petitions of that nature before them, and had decided upon them in the same way as they decided the Petitions referred to by the hon. Member for Greenwich when he asked his Question?

SIR CHARLES FORSTER, in reply, said, he was very glad that the hon. Baronet the Member for Carlisle had asked this Question, because he found that many Petitions of a similar character had been sent back to hon. Members. His hon. Friend had correctly stated the answer which he gave in re-

ference to the Question put to him by the hon. Member for Greenwich (Baron Henry de Worms). He then stated that the Committee, in considering Petitions, were anxious to place the most liberal construction upon their language, and to give whatever doubt there might be in favour of the Petitioners. Therefore, with regard to the Petitions then alluded to, the Committee thought that in asking the House to do what was just and right, if it were disrespectful to the House, it was merely an implied disrespect, and the majority of the Committee passed these Petitions. But the Petitions to which his hon. Friend the Member for Carlisle now referred went a step further, and, in direct and distinct terms, stated that the Resolutions of the House were illegal, and the Committee, as the delegates of the House, decided that they could not receive Petitions of the kind; and he might say, as bearing on the question of the conduct of the Clerk of the Committee, that they determined that after that no Petitions couched in similar terms could be brought before them. With the objectionable words erased the Committee would not be unwilling to receive the Petition.

MR. THOROLD ROGERS asked the Chairman of the Committee on Public Petitions whether the decision of the Committee was based on the absurdity of the word "illegal" in relation to the action of the House, or of its being a distinct affront to the House? He said absurdity, because it was quite clear that no act of the House could be illegal. He should also like to ask whether it was permissible for the phrase "unconstitutional" to be applied in relation to the action of the House on the 10th of May. The question involved was not one of mere words, but one of very considerable significance. [*Cries of "Order!"*]

MR. SPEAKER: The hon. Gentleman is now entering into debate.

MR. THOROLD ROGERS said, he begged pardon, he only wished to know what were the reasons which induced the Committee to reject these Petitions?

SIR CHARLES FORSTER, in reply, said, that it was quite sufficient for the Committee to determine each case as it came before them, and they were clearly of opinion that the use of the word "illegal" was decidedly disrespectful to the House.

ORDER OF THE DAY.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

NAVY—PROMOTION—LIEUTENANTS.

OBSERVATIONS.

SIR JOHN HAY said, he had given Notice that he would call attention to the want of a sufficient number of Iron-clads for the National defence and of cruising vessels for training seamen. He would not, however, occupy the time of the House then, as the discussion of the subject might be taken on the Building Vote. But with regard to Vote 15, he desired to say—and it was more convenient to say it with the Speaker in the Chair—that he looked with great alarm and regret on the stagnation of promotion in the Royal Navy. The arrangements could give content to comparatively but a small number of officers on the war list; and he was quite sure that the numbers of captains and commanders required re-adjustment in order to give lieutenants a fair chance of rising according to merit, and not by seniority. He could give names familiar enough in the Service as instances. One officer of considerable distinction and standing, who had been mentioned in despatches for distinguished services, he could name, who, in consequence of the limited number of commanders, had never obtained that position which throughout the Service he was known to deserve. There was really no inducement, no stimulus to men, except so far as to perform their duty, to exert themselves, where promotion, which, of all things the naval officer most desired, was barred by the limited numbers on the upper list. He would not trespass further upon the time of the House; but he thought it right, on behalf of the Navy, to place on record his opinion in regard to the subject, and to request the Secretary to the Admiralty to bring this matter to the notice of the Board of Admiralty during the Recess, and the strong desire that existed in the Navy with regard to the re-adjustment of the lists of captains and commanders, so as to give more encouragement and more rapid promotion through that list,

to lieutenants, who, after all, were the backbone of the Navy.

STATE OF IRELAND—THE MAGISTRACY—MR. CLIFFORD LLOYD, R.M.

RESOLUTION.

MR. HEALY, in rising to move—

“That this House condemns the refusal of the Government to grant an investigation into the conduct of Mr. Clifford Lloyd, R.M., and their refusal to notice the threats alleged to have been used by him in dispersing without proclamation a peaceful meeting in Drogheda on the 1st day of January,”

said, he was obliged to draw attention to the conduct of Mr. Clifford Lloyd owing to the unsatisfactory answer he had received on the subject on Thursday from the right hon. Gentleman the Chief Secretary to the Lord Lieutenant of Ireland. A Correspondence had taken place on the subject, and was published in the Irish papers, and two witnesses had stated that Mr. Clifford Lloyd had threatened to shoot down the people assembled at public meetings. Mr. Clifford Lloyd then came forward with a denial of the language attributed to him; and the Question he (Mr. Healy) asked the Chief Secretary for Ireland on Thursday was whether, in consequence of the rumours concerning the conduct of this gentleman, the Government thought it desirable, for the purpose of maintaining something like confidence in the administration of justice, to grant an inquiry into the matter, and he got a very curt answer from the right hon. Gentleman. The right hon. Gentleman said the Government did not think it necessary to grant an inquiry into the facts of the case. He at once rose and gave Notice that on going into Committee of Supply to-day he would call attention to the subject; and, therefore, he was somewhat astonished that the Chief Secretary had not thought it desirable to be in his place. Briefly, the circumstances were as follows:—A Land League meeting had been fixed to be held in Drogheda on the 2nd of January; and the Government, with an acuteness that did them not too much credit, proclaimed the meeting, on the plea that it was likely to lead to a breach of the peace, and there were always bailiffs and others ever ready to give the required information. It happened that the 2nd of January was a Sunday, and on the Saturday preceding a meeting was appointed

Sir John Hay

to be held at Dundalk. Travelling by rail to the latter place, he (Mr. Healy) was met at Drogheda station by a number of people, who suggested that as the meeting for Sunday at Drogheda was prohibited for that day, it would be a good thing to hold on Saturday. He acceded to this, and an impromptu meeting was held, therefore, in the Drogheda Market Place. It was market day; it was also a Catholic holiday, and thousands of people assembled. The Government, however, were not to be balked. Telegrams were despatched to Dublin for a troop of dragoons, and to Dundalk for the 200 police who had been sent there to safeguard law and order during the expected meeting. Lo and behold, then, a special train was got out from Dublin at the expense of the taxpayers, into this the police were crammed, and in the middle of his address to the people at Drogheda these 200 police were seen advancing at the double. So great was the haste of these gallant defenders of law and order that great coats, knapsacks, and blankets—what the latter were carried for it was difficult to say—were flung in the mud outside the railway station, and, with bayonets fixed, the force came on at the double, a picturesque military sight. Not the slightest word had been said at the meeting likely to provoke a breach of law and order; the whole proceedings were conducted with that calmness and dignity which usually accompanied Irish meetings. The meeting was presided over by the parish priest, and other Catholic clergymen were in the break that served for a platform. There were at least half a-score of the clergy, and these at all times had been the best preservers of law and order and peace in Ireland. Thus engaged at this harmless meeting, the 200 police appeared, headed by Mr. Clifford Lloyd, and whatever presence of mind a man addressing a meeting might have, the sudden advance of 200 men with swords drawn must have a disquieting effect upon a meeting. Dividing into two bodies, the armed force hemmed in the crowd, and there was nothing to do but surrender. Mr. Clifford Lloyd, then addressing the conveners of the meeting, said the gathering was illegal, and he hoped the chairman would not put him to the necessity of dispersing it; but, at the same time, he refused to show any authority for doing so. Of

course, with the fixed bayonets around, the meeting dispersed. Let those who enjoyed the right of public meeting in Trafalgar Square or elsewhere, and had to do with Inspector Denning and the peaceful *bâtons* of the London police, realize the position—the dispersal of a perfectly legal meeting by an armed force, headed by a gentleman not in uniform, who refused to show his authority. The meeting dispersed quietly; they had no weapons, but if they had, he would certainly not have been opposed to trying conclusions with the police, for the people had as good a right there as the police. He was not a believer in the “not a single drop of blood” doctrine; if the people had rights they should be prepared to enforce them. But the people, being unarmed, dispersed, and the break with the chairman and others passed on through the files of police who enfiladed the streets—it was necessary to use military terms in dealing with the operations of the Irish police—and Mr. Clifford Lloyd, for about the tenth time, declared that if they assembled again, he would disperse the meeting by force, and then he read the Riot Act. This was done when there was no more necessity for it than for the Speaker to get up and read the Riot Act in the House; and then Mr. Clifford Lloyd, in the hearing of Father Anderson, of himself, and others in the break, said—“If you assemble again I will fire on you.” It was this particular allegation that he asked the Government to make the subject of inquiry. It was first brought forward in a question by the hon. Member for Drogheda, an English Gentleman, whose name was well known, with that of his brother (Mr. Whitworth), who formerly sat as Member for Newry. Mr. Clifford Lloyd had been transferred to Kilmallock—perhaps because of the vigour he had displayed at Drogheda, and his conduct at Kilmallock had been very much called in question; and the hon. Member for Drogheda warned the Government that if he was not withdrawn there might be murder. He supposed the people of Kilmallock knew that Mr. Clifford Lloyd wore chain armour, and always walked about with a body guard of over a dozen police. A Scotch gentleman, a former Member of the House, Mr. Boyd Kinnear, wrote to *The Daily News* respecting the conduct of Mr. Clifford Lloyd, and

then the whole affair of Drogheda was brought up again, and Mr. Clifford Lloyd's *régime* was described as equally bad as that of the Russian “Third Section.” In consequence of Mr. Clifford Lloyd's conduct in Kilmallock, he (Mr. Healy) put a question as to whether he was the same gentleman whose conduct at Drogheda he had described, and, in doing so, he stated what was within his personal knowledge, that Mr. Lloyd had threatened that if the meeting re-assembled he would fire on the people. This statement Mr. Lloyd denied in a letter which appeared in *The Freeman's Journal*, and this letter was followed by testimony in support of the allegation that he did use the threat in the shape of successive letters from the Rev. Mr. Kearney, the Rev. Mr. McKee, and Mr. Francis Vallery, a town councillor, who all heard the language used. Mr. Lloyd met these with another denial, and asserted that, addressing Mr. Dillon and Mr. Healy, he had said—“If you address another meeting here, I shall be forced to arrest you.” It should be mentioned that at the time Mr. Lloyd so acted he was not a magistrate of the town, though *The Gazette* gave an *ex post facto* legalization of his conduct, and he was actually overriding the authority of the mayor and other magistrates of Drogheda, who had passed a resolution that there was no necessity to interfere with the meeting. This foreign Orangeman came from Monaghan, or wherever he carried on his functions, with his 200 armed men, to disperse a legal meeting by force. The Government wanted to get out of the matter and to hush it up, and that was the reason why they refused to grant the sworn inquiry asked for. There could be no doubt as to the language used by Mr. Lloyd, who had spoken as loudly and as distinctly as though he had been an Egyptian or a Turkish Pasha. He should have thought that the Government would have been only too anxious to have granted this inquiry in order to clear the character of this Governmental paragon, who was one of the Chief Secretary's pets. If Mr. Lloyd was satisfied that he was in the right in the matter, he would look upon such an inquiry as a boon. The Government, however, shrank from any investigation of the facts of the case, cast round Mr. Lloyd the veil of Governmental silence and mystery, and re-

fused to permit any inquiry to be held into the brutal conduct of this man. He would have supposed that in the disturbed state of Ireland the Government would have been glad to probe to the bottom every particular source of grievance; but by their refusal they had virtually admitted the entire case of the dissentients. The Government could not expect the people of Kilmallock to submit to the coercion *régime*, or to have much respect for Mr. Clifford Lloyd, after refusing this inquiry, or that the people of Ireland would expect justice would ever be done until a magistrate was appointed who would act impartially before all classes, and whose conduct, when impugned, could be inquired into. In the circumstances, no other course was left open to the Irish Representatives than to come to that House and ask it to condemn the course which Her Majesty's Government had pursued in this matter. In conclusion, he begged to move the Resolution of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House condemns the refusal of the Government to grant an investigation into the conduct of Mr. Clifford Lloyd, R.M., and their refusal to notice the threats alleged to have been used by him in dispersing without proclamation a peaceful meeting at Drogheda on the 1st day of January,"—(*Mr. Healy*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, he should not have risen so early in the debate but for the natural observation of the hon. Member for Wexford that he had expected the Chief Secretary for Ireland would have been present. He (the Solicitor General for Ireland) had been requested to offer an apology to the House for the Chief Secretary's absence, the righthon. Gentleman being obliged to attend a Cabinet meeting, and, therefore, unable to put before the House his own views on the matter. No one could blame the hon. Member for Wexford for bringing forward this Motion with the object of clearing up what had become a point of newspaper controversy—a controversy, he was sorry to say, which had kept alive matters, but which had better

have been allowed to die out of mind. The question was not as to Mr. Lloyd's conduct in Kilmallock, but as to a transaction which occurred seven months ago, and the principal allegation was that the magistrate lost his temper on that occasion, and used language of a violent character. Already the question had been dealt with in that House. So far back as the 24th of January a Question was asked by one of the hon. Members for Louth, and since then the matter had been closed, until it was now revived. It was a gentleman named Boyd Kinnear who revived the controversy, and there had been a general rush into the newspapers. Everybody who was familiar with the practical events of life knew that nothing was so difficult as to remember with perfect accuracy, even on the moment, the substance, much less the particulars, of what occurred, or to identify the exact words used, or even the persons who used them. A remarkable instance of this occurred in the House of Commons only yesterday. The hon. Member for the City of London (Mr. R. N. Fowler) possessed a voice and a mode of expression that would be recognized by anybody who ever heard him. Yet the hon. Member for Northampton (Mr. Bradlaugh), who was not now in the House, but who sat in it for a considerable time, and must have been familiar with the voice of the hon. Member for the City of London, wrote a letter to his Colleague in the representation of Northampton (Mr. Labouchere) stating distinctly that he heard the hon. Member for the City of London use the words "Kick him out," which he considered so much a breach of Privilege as to ask the intervention of the House concerning it, and he added that if the House did not take the matter up he would proceed by summons against the Member for the City of London for inciting to a breach of the peace. What was the reply of the hon. Member for the City? He said—"I did not use the language at all." This was a case in which the hon. Member for Northampton, who did not sit in the House, but whose word would be trusted equally as much as that of any other hon. Member, stated what he believed to be the fact, that certain words were used by a person whose voice it was hardly possible for anyone to mistake; yet here they had an illustration of the difficulty which some-

Mr. Healy

times arose of determining what actually had taken place when different persons came to give their versions of a particular occurrence. The controversy, therefore, resolved itself into this—Mr. Lloyd stated distinctly that he did not use the language imputed to him, and highly respectable Catholic clergymen said that he did use it. There the controversy remained at present. There was no one in Ireland, much less a magistrate, who was above the law. The law was open to everybody to appeal to. ["Oh!"]. Of course, he did not expect hon. Gentlemen opposite to agree with him, especially in a matter of this kind. Nevertheless, he would repeat it was his opinion, at all events, that nobody was above the law. It was open to anybody, when a magistrate acted illegally—and Mr. Clifford Lloyd would have acted illegally if what the hon. Member for Wexford had stated were true—of challenging that conduct through the ordinary channels of the law. The hon. Member stated—though he (the Solicitor General for Ireland) did not think he meant the House to follow him out to the full—that if the Government did not grant this inquiry no remedy was open to anybody who was illegally treated. He took issue at once on that. No one knew better than the hon. Member that the law was open to all. Therefore, the hon. Member was not correct when he said that if this inquiry was not granted no investigation could take place. To grant the inquiry asked for would be unusual and exceptional, and that was a proceeding to be discouraged. He had no hesitation in avowing that he disliked anything outside the ordinary course of the law. [*Ironical cheers.*] There was one and only one tribunal before which controversies of law or fact could be properly adjudicated upon, and that was a Court of Law, presided over by a Judge, who was acquainted with the law and who was unwayed by prejudice. He did not mistake the good-natured cheer from below the Gangway. But they would have been hiding their heads in the sand if they had not recognized, as the House had recognized, that exceptional legislation, to which that cheer referred, was necessary to meet exceptional circumstances. That, however, made it more necessary to depart as little as pos-

sible from the ordinary law in ordinary cases. But what had occurred?—and about this there was no controversy. Sworn information was laid before his Excellency the Lord Lieutenant of Ireland that the meeting to which the hon. Member for Wexford had referred, and which was contemplated to be held on the 2nd of January, had been convened for the purpose of denouncing an individual whose life would not have been safe if that meeting were allowed to take place. Such was the evidence upon which the Government acted. He (the Solicitor General for Ireland) would ask hon. Members, when evidence of that kind was laid before the Government, affirmed by competent persons, and when careful inquiries showed there was reason to apprehend these anticipations were well founded, could the Government have acted otherwise than they had done? Suppose an information of that kind was laid before the Government, and that the Government came to the conclusion that the probability was well founded, but did not interfere; and let it further be supposed that violent scenes took place, would anyone venture to exculpate the Government from the charge that they had disregarded the peace of the country? When large bodies of men assembled, even for the most lawful purposes, it was sometimes difficult, nay, even impossible, to keep them within the bounds of peace and order.

MR. HEALY: Has there ever been a riot in Ireland after a public meeting?

THE SOLICITOR GENERAL FOR IRELAND (MR. W. M. JOHNSON): There had not, for this reason—that the Government had never interfered—[*Ironical cheers*]*—he would feel obliged if hon. Members would allow him to finish his sentence—the Government had not interfered except in those cases where such information as that which he had mentioned had been laid before them. The Government did not interfere with meetings unless they had evidence before them that the meeting would be attended with disturbance. On this particular occasion, as he had said, sworn information was laid before the Lord Lieutenant as to the nature and object of the meeting. Upon that sworn evidence the Lord Lieutenant issued his*

Proclamation, upon the face of which was shown the reason of the Government interference, and the effect of which was not to make the meeting legal or illegal, but to caution the people that if they took part in a meeting of that kind they would render themselves subject to the consequences of the law. That Proclamation was accordingly widely published. He thought, as well as he could recollect, that it was torn down in many places in Drogheda; but that was beside the matter. Representations were made by those supposed to have influence in Drogheda, to the magistrates, that the meeting would not take place. Another meeting was about to take place near Dundalk, which was only a few miles distance, to which the hon. Member for Wexford (Mr. Healy) was going, and which was not proclaimed at all. That was an instance of how carefully the Government drew the line of distinction with regard to such meetings. In consequence of the representations to which he had referred, that nothing would take place at Drogheda of a disturbing character, he believed nearly all the police and magistrates were removed from the town. The hon. Member was going down on Saturday, and the meeting was to have taken place in Drogheda on Sunday. Saturday was market day in Drogheda. The town was full with people; there were no police there, and suddenly a large meeting was convened in the very town and in the very place in which the meeting was announced to be held on the following day. It was not going too far to say that anybody would reasonably suppose that that was the meeting of the following day called by anticipation. It was not a casual meeting at all of a fortuitous concourse of people. It was convened by posters sent out, and by bellmen sent round to announce it. In that state of things a large number of people were convened on the spot where the meeting which was to have been held the following day had been prohibited, in the very neighbourhood where danger was apprehended, and under circumstances precisely similar to those under which the meeting to be held on the following day had been prohibited. Now, it must be remembered that the position of a magistrate in Ireland at all times, and especially in these times, was a most peculiar and a most responsible one. A

man filling that office must possess great courage combined with tact, judgment, and temper—he must act not as though he was the master of the people, which he was not, but as the servant of the law, which he was, and he must have nerve enough and knowledge enough to act upon the spur of the moment and upon his own responsibility. In the present case, it was fortunate, as it appeared, that the hon. Member who had brought this matter under the notice of the House was present at the meeting in question, because he had advised the people to disperse quietly, and they had followed his advice. He had heard with regret the hon. Member say that if the people had had weapons in their hands he should have advised them to use them. He thought, however, that the hon. Member did himself an injustice in making that statement, and that he misjudged his own disposition, because he was satisfied that the hon. Member would have thought twice before he gave the people such disastrous advice. The hon. Member was, perhaps, a little over-anxious to show that he had the courage of his opinions; but he did not believe that he would really have incited the people to bloodshed. It happened, however, fortunately, that no collision occurred between the people and the police, and that everything passed off quietly, while the legitimate object of the meeting was attained when it was adjourned to the hotel, where no ill consequences could result from holding it. It was a very different thing to hold a meeting in a building and to hold one out-of-doors, where no control could be exercised over the passions of the multitude. Mr. Lloyd, believing that this out-of-door meeting was a mere anticipation of that which had been prohibited, and that its objects were the same, and were calculated to endanger personal safety, had taken upon himself the responsibility of putting an end to it; and he must confess that, had he been in Mr. Lloyd's place on the occasion, acting on his responsibility as a conservator of the public safety, he should have felt it to be his duty to have required that meeting to disperse. Everything had, fortunately, terminated peaceably, and nothing more would have been heard of it had it not become a subject of newspaper controversy. The witty Canon (Sidney Smith)

had said that there were three things which every man thought he could do—farm a small quantity of land, drive a gig, and write a letter to a newspaper. Unfortunately, Mr. Lloyd had thought that he could do the last, and he accordingly addressed a letter to a newspaper, which he had much better have put into the fire, as it had immediately challenged controversy. It was said that Mr. Lloyd's statement was contradicted by the statements of highly respectable Catholic clergymen. Everyone who knew anything about the matter or had any knowledge of Ireland must admit the immense and important influence which the Catholic clergy in Ireland exercised—and often exercised—in the interests of peace and order; and most certainly it would have been very wrong, on the part of Mr. Lloyd or of anybody else, to have said to a Catholic clergyman, or to any other of Her Majesty's subjects—"If you do not disperse I will shoot you down." He was glad to be able to state that Mr. Lloyd most emphatically denied that he had used such language. The hon. Member said that he had heard Mr. Lloyd use language to that effect; but even he could not bind himself to remember the exact words, while two Catholic clergymen undertook to give what they stated to be the identical words. Clergymen, however, were not more infallible in point of memory than anybody else, and it must be remembered that all parties were speaking of what occurred seven months ago, at a moment when great excitement prevailed on all sides. Under all these circumstances, he would ask the hon. Member not to press his Motion; and he asked the House not to weaken the action of justice and the arm of the law in Ireland under trying circumstances of extreme difficulty by unnecessarily casting censure upon those who were called upon to administer justice there. If any wrong had been done to individuals, the ordinary remedies which the law afforded to everyone were open to them.

Mr. O'SULLIVAN said, that for more reasons than one he supported the Motion of his hon. Friend the Member for Wexford. He agreed with the Solicitor General for Ireland that nearly seven months had elapsed since the affair occurred in Drogheda; but how many times since had Mr. Clifford Lloyd

attempted to tyrannize over the people of Limerick County?

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) rose to Order. He wished to know if the hon. Member should not confine himself to the terms of the Motion before the House, which had only relation to the occurrence at Drogheda.

Mr. SPEAKER: The hon. Member is in Order.

Mr. O'SULLIVAN, continuing, thought he was quite right in alluding to the conduct of Mr. Lloyd, as this was a Motion asking for an investigation into the conduct of Mr. Lloyd as a Government official. Was it not a fact that this gentleman attempted to tyrannize over the people of the County Limerick on several occasions? Anyone who was acquainted with the history of 1798 must be aware that it was the action of such men as Mr. Lloyd that drove the people into revolt; and he had no doubt that if there were ten or a dozen such men scattered over Ireland they would be able to drive the people into revolt and desperation. In Kilmallock he had given both offence and annoyance to the people of that district. On one occasion he had directed the police to summon four respectable ladies who were standing in the street waiting for a lady friend, because, as he said, they had used impertinent language to the police; and the policeman who prosecuted stated that the only impertinent language they had used was that they called him "Lloyd's Pet." Of course, the summons was dismissed. Very shortly after that, Mr. Lloyd summoned a delicate old woman about 70 years of age, and sentenced her to six months' imprisonment, or to give substantial bail, for abusing another woman. When two respectable and substantial bailsmen came before him he refused to accept them; but he accepted them afterwards, after keeping that unfortunate woman a fortnight in gaol. Again, when he saw three or four respectable farmers or shopkeepers standing together in the street he sent his police to disperse them, or to take down their names, as though he were lord and master of the place for the time being. He asked the Government were they going to withhold an inquiry into the conduct of a gentleman guilty of such conduct as that? He (Mr. O'Sullivan) had seen on one occa-

sion prisoners taken to the private residence of Mr. Lloyd, and sent to prison after the investigation made there. Though anyone might be mistaken as to words used, he could hardly be mistaken as to an actual fact like that. Why, then, had Mr. Lloyd put the Chief Secretary for Ireland in a false position by allowing him to deny that he had ever convicted men at his private residence? Again, in the case of the poor woman Coleman, it was at first said that she was only one night in prison; but it was afterwards admitted that she was in gaol for 16 nights. In point of fact, he (Mr. O'Sullivan) knew that three of the replies that had been made in that House on behalf of, and on the information of, Mr. Lloyd, by the Chief Secretary for Ireland, were not in accordance with the facts. He also knew, as a matter of fact, that he used the Coercion Act for the purpose of personal vindictiveness. He challenged the Solicitor General to show any charge against two men arrested in Kilfinane under the Coercion Act named Daniel Reardon and Francis Allen, except simply and solely that they had refused to supply cars to Mr. Lloyd and the police. He challenged him to show any charge against Andrew Mortel and Edward O'Neill, who had also been arrested, except that they collected money to pay a fine of £3 and costs which Mr. Lloyd had imposed upon two men and a married woman in his private residence. O'Neill and Mortel collected money for the purpose from the shopkeepers of the town, and went to the barracks and paid the fine and costs; and in three days afterwards a warrant was down from the Lord Lieutenant for the arrest of these two men. It was alleged that they had coerced people to subscribe the money; but he (Mr. O'Sullivan) was prepared to prove by the statement of the shopkeepers who subscribed the money that they had given their subscriptions voluntarily. He got a declaration to that effect from all the subscribers, which he sent to the Chief Secretary for Ireland to show that the subscribers were not coerced in any sense of the word. He said that the tyrannical action of Mr. Lloyd was indulged in to gratify his own private vindictiveness, and not to defend or uphold the law. He thought it a very false position for a Liberal Government to occupy if they

withheld an inquiry into the conduct of a man who had brought such discredit upon the administration of justice in Ireland.

Mr. J. COWEN said, he was not aware that the conduct of Mr. Clifford Lloyd was to be called in question that day, or he would have provided himself with information respecting the proceedings of that gentleman, which might have helped the House to a decision on the subject. But let them look at the matter as it was put before them by the hon. Member for Wexford (Mr. Healy). What was the pith of the charge? Here was a legal meeting being held in a peaceable town for a peaceable purpose, and in quite a constitutional way. The gentleman was not a magistrate of the town, nor, he believed, of the county; but he dispersed the gathering by a body of armed men, and in dispersing it used language that was calculated to rouse angry passions, if not to excite to a breach of the peace. There was no question as to the facts. The Solicitor General for Ireland, in his very temperate statement, had substantially admitted the accusation, and he had given it as his opinion that the language used was objectionable. Now, he (Mr. J. Cowen) wished to ask hon. Gentlemen near him how they would have acted and what they would have said if a meeting held for a like purpose under like conditions had been forcibly dispersed in any English town? He knew it was useless appealing to the Representatives of the Irish Executive in that House; and he knew, too, that appeals to the ordinary followers of the Ministry would be equally futile. But there still must be—and he knew there were—some who had not altogether forgotten the Radical principles they professed, and upon which they had been returned to that House. He asked them to make the case their own and conceive—if in any of their constituencies such action had been taken by a magistrate—what would have been their attitude to the governing authorities. He had an instinctive dislike of personal quarrels, and he regretted that this question should have to hinge in any way upon the character of an official. He dared say that Mr. Clifford Lloyd was a very honourable man, that according to his lights he was conscientious, and, like the most of them, well-meaning. But he

had been a soldier, and he carried the practices of the barrack-yard into politics. He was a strict and unbending martinet. He ordered the people about in even sharper terms than he would have spoken to soldiers upon parade. And when they failed to comply with his orders he did not hesitate to strain the law to punish them. The Solicitor General for Ireland had said that men in authority should use their powers with tact and judgment. He quite agreed with that statement; and it was because Mr. Lloyd did not use his powers with tact and judgment that such incessant complaints were made against him. Ireland was in a disturbed and excited state. The Government had never ceased to proclaim this all the Session. The veriest tyro in administration knew that in ruling a people in such a temper reasonable allowance should be made. The law, it was true, had to be enforced. If there was no law there would be tyranny. But there were different means of enforcing the law. Sometimes it was enforced in such a way as to bring it into contempt. At other times its enforcement earned for the law and the lawmakers respect. In the North of England, during a period of excitement quite as great as now existed in Ireland, Sir Charles Napier was in command of the military forces, and he had under him, as his chief officer, the late Lord Clyde. Notwithstanding the disturbed condition of the populace, there was—through the wisdom and consideration of these judicious commanders—no collision with the authorities. This was set out with great minuteness in the lives of these two distinguished officers, and might be studied with advantage by those charged with the government of Ireland at this moment. The tact and judgment of the two men he had mentioned saved England from bloodshed and serious disorder. There were three qualities required in dealing with the Irish people. These were firmness, justice, and sympathy. The law should be firmly asserted, justice should be impartially administered, and there should be, on the part of its administrators, reasonable regard for the troubles and distress of the people. Mr. Clifford Lloyd had not shown these qualities, and other magistrates in Ireland had been equally deficient. Hence the state of chronic irri-

tation that was kept up. He had a strong objection to make anyone a victim—even so unattractive a person as Mr. Lloyd—and he knew it was easy to make a set at a man when popular feeling was against him. But he was bound to say this—that he had been in Ireland sundry times recently, and had had some opportunity of learning the opinion entertained of Mr. Lloyd's administration. He was stating the simple fact when he said that men of all classes in the districts over which that magistrate ruled regarded him as a source of dislike and an incitement to discontent. The hon. Member for Drogheda (Mr. Whitworth)—who certainly had little in common with Gentlemen opposite—knew Mr. Lloyd, and declared that he was nothing short of a firebrand. And yet he was not only now in office, but he was held up as a pattern by the Irish Secretary. It was just this sort of administration that created Irish troubles. Measures devised in that House with the best intentions and conceived with the most beneficent purpose were intrusted for their execution to unsympathetic officials. And these officials fought against them and defeated them. The designs of Parliament were thus rendered inoperative. It was well to recognize the fact that in England there were political and social opinions that permeated all classes—the aristocratic, the trading, and the industrial. If you cut a line through English society you would find opinions mingling freely amongst all these social layers. In Ireland it was different. The ruling caste which constituted the upper strata held certain political, social, or religious opinions. The ordinary people held entirely opposite views. There was no intermingling of classes, and it ought to be the duty of a wise Government to bring the two sections into harmony. It was men like Mr. Clifford Lloyd who prevented that end being attained. He did not wish to do Mr. Lloyd or anyone else any injury; but if the Ministry could give him another office under more congenial conditions, he felt sure the wheels of Irish administration would revolve more smoothly.

MR. LEAMY said, the Solicitor General for Ireland had admitted that if Mr. Lloyd had used the language attributed to him at Drogheda he would have acted in a most illegal and improper manner,

and that the parties aggrieved could have gone to the ordinary tribunals for a remedy. But if the Government were not satisfied with ordinary tribunals, why should the people have to go to ordinary tribunals when the ordinary law was suspended, when the liberties of the people were taken away by informers, and the affairs of the people were put into the hands of magistrates in whom they had no confidence? Now, Mr. Lloyd was not above suspicion. On the contrary, there was a direct charge against him that he had used language which, as the Solicitor General for Ireland had said, no person should have used. Why, then, did not the Government institute an inquiry whether that language had been used? If Mr. Lloyd did use that language he was unfit to be a magistrate. He was lately sent into a district where he could have no sympathy with the people, and it was manifest that he had created the feeling of irritation which prevailed in that locality at present. His hon. Friend the Member for Limerick (Mr. O'Sullivan) properly observed that a dozen Clifford Lloyds would produce a revolt in Ireland. He should have no objection to see a dozen Clifford Lloyds in Ireland, because it would open the eyes of the Irish people to the character of the men placed over them, and show them that the worst enemy to Irish freedom was a Whig Government which pretended to be Liberal.

MR. WARTON said, he hoped the debate would not be continued, as the House had met on an unusual day for the purpose of making progress with the Estimates. He did not think that anyone could have given a more conciliatory answer than that given by the Solicitor General for Ireland, and he thought it would have been a very graceful act on the part of the hon. Member for Wexford (Mr. Healy) if he had said he did not wish to press the matter further. The debate would be duly reported in the Irish papers, and that was one reason why the Home Rule Members wished to continue it. The Solicitor General for Ireland a short time ago took objection to the Amendment on a point of Order; but the right hon. Gentleman in the Chair ruled that the hon. Member for Wexford was not technically out of Order. At first sight, the Amendment appeared to be directed only to what took place on

the 1st of January; but a careful reading of the Amendment would show that it asked for an inquiry into the general conduct of Mr. Lloyd. With regard to what had been said by the hon. Member for Newcastle (Mr. J. Cowen) about firmness, justice, and sympathy, he would only say, while agreeing in the necessity for firmness and justice, how on earth could Mr. Lloyd have sympathy with a people who were excited against him as the people of his district seemed to have been?

SIR WILFRID LAWSON said, he thought it was unfair to insinuate that Irish Members brought forward this question solely to get their speeches reported in the newspapers. [Mr. WARTON: I did not say solely.] It was a fundamental rule in that House that Grievance should come before Supply. As long as they had their Irish Friends in the House, it was natural that they should bring forward the grievances of Ireland. He thought in this instance what was at least a very strong case for inquiry had been made out. They had, first of all, had the statements of the hon. Member for Wexford (Mr. Healy) and the hon. Member for Limerick (Mr. O'Sullivan). In addition to them, they had the corroborative and independent testimony of the hon. Member for Newcastle (Mr. J. Cowen). It was a serious thing that these charges should be brought against a man in a responsible position, and it seemed to him that they ought to be inquired into. They had spent a great part of the Session in the endeavour to send a message of peace to Ireland; but there could be no message of peace that was not one of justice—that was the only foundation of peace in any community—and there were, in his opinion, good grounds for asking whether or not justice had been done in this case. He should be glad to see the discussion brought to a close, so that the House might get into Committee; but, at the same time, he hoped the Government would agree, even at the last moment, to order an inquiry into the subject now before the House. There could be no harm in inquiry.

MR. CALLAN said, he happened to be connected with the district referred to in the Amendment, and he was sorry to say that the observation of the Solicitor General for Ireland that any statement made seven months after the date

referred to could not be very reliable was more disingenuous than usual. The hon. and learned Gentleman did not mention that the letter of the Catholic clergyman was written the next day, when there could be no such defect of memory as he suggested. He (Mr. Callan) had interviewed the magistrates, and he was assured by them that the description of the hon. Member for Drogheda (Mr. Whitworth) of Mr. Clifford Lloyd was correct—that he was “a political firebrand.” It was, therefore, a great mistake to send this firebrand further South among inflammable material. It was said that Mr. Lloyd denied using the language but several magistrates and two Catholic clergymen affirmed that he had used the words. Why should there not be a sworn inquiry? If Mr. Lloyd escaped, the clergymen and magistrates would be covered with confusion. He thought the question would be best raised on the Vote for the Chief Secretary's salary, and he hoped the Motion would not now be pressed.

Mr. REDMOND said, they had no reason to regret the absence of the Chief Secretary, because nothing could be in better taste than the speech of the Solicitor General for Ireland, which was in marked contrast with that they usually experienced from the Chief Secretary; but, at the same time, he did not concur in the hon. and learned Gentleman's arguments. He thought, however, if speeches were delivered in a similar tone on Irish questions, there would be fewer scenes in that House. He must also express his gratification at seeing the Motion receive the support of the hon. Member for Carlisle (Sir Wilfrid Lawson) and the hon. Member for Newcastle (Mr. J. Cowen). As to Mr. Clifford Lloyd, he asked English Members simply to look at the performances of that person in Kilmallock and decide whether or not he was a firebrand. He believed the Coercion Act had been passed under false pretences.

Mr. SPEAKER: The hon. Member is travelling beyond the Question before the House.

Mr. REDMOND said, he desired to allude to the Coercion Act because Mr. Clifford Lloyd was engaged in administering it, and he thought he was entitled to refer to the exceptional state of things which existed in Ireland under the Act.

Hon. Members opposite, he was of opinion, were induced to support the Government in passing the Coercion Act by the belief that it would be worked in a careful, impartial, and just spirit. If Mr. Clifford Lloyd was allowed to administer that Act, there was no question that injustice would be perpetrated in Ireland such as hon. Gentlemen who voted in favour of the Act never anticipated. The Radical Members who brought into existence this state of affairs by the support they gave to the Government were responsible for the administration of the Act, and therefore they should insist upon the Government seeing that the reins of power were not placed in the hands of men against whom the people had, rightly or wrongly, formed the opinion that they were partial and unjust. If the Government believed the men they had appointed to work the Act were impartial and honest, let them go into the charges which had been made, and prove them to be baseless. With regard to the message of peace to Ireland, he thought it was utterly absurd for hon. Members to talk and delude the Government by making them believe that the Land Bill would be a message of peace to Ireland so long as conduct of this kind was allowed to proceed. If this conduct continued, it must be by men like Mr. Clifford Lloyd, who created disturbances instead of quelling them. The first thing the Government ought to do was to establish the principle of justice in Ireland, and re-establish the principle of liberty; and until that was done, it was entirely absurd to think that anything in the shape of a message of peace would be seen in the Land Bill, or any other measure the House might pass.

Mr. O'KELLY remarked, that the Solicitor General for Ireland recommended the people to appeal to the law if they felt aggrieved. He had some experience of appealing to the law in a case similar to this. But he found that, instead of having to deal with a magistrate upon a plain and simple issue, he had to face the British Government. He had in his hand the defence filed in the action he instituted against Mr. Harvey, R.M., for assault, and he found it was prepared by Mr. Anderson, the Crown Solicitor, and printed at the expense of the British taxpayer. Instead of replying to the

simple question his action raised, the document contained a long political indictment, which, in fact, was substantially the same as that preferred against the hon. Member for the City of Cork (Mr. Parnell) and others at the State trials in Dublin. It was, therefore, absurd to talk of appealing to the law when they had to fight the British Government. The hon. Member was proceeding to refer to a meeting at which some Orangemen appeared, when—

MR. SPEAKER: I fail to see the connection between the matter now being discussed and the conduct of Mr. Lloyd, which is the subject of the Amendment before the House.

MR. O'KELLY said, he thought he was within his right and within Order in replying to the statement of the Solicitor General for Ireland that the Government never interfered with these meetings except upon sworn information. Of course, if he was passing beyond his right—

MR. SPEAKER: If the hon. Member is replying to some observations of the Solicitor General for Ireland, I have no wish to interfere.

MR. O'KELLY said, it was, no doubt, true that the Government never interfered with a meeting except on sworn information; but that statement, if accepted literally, would convey a very wrong impression to the House. The great point was, what steps would the Government take to examine into the validity of the sworn informations? There was a meeting to have been held in County Fermanagh a short time since, and, upon its becoming known, the magistrates of the district in which the meeting was to be held, who were also landlords and land agents, got two or three of their understrappers to get a bill printed to the Orangemen of the county, and the meeting was consequently stopped. The Orangemen had no intention of interfering with the meeting at the time of the issuing of the bill by the men who appealed to Dublin Castle to suppress the meeting. The magistrates who appealed to Dublin Castle to suppress the meeting he had referred to were aware of the origin of the placard issued to the Orangemen. They knew the men who had caused this placard to be posted, and they were perfectly well aware that there was not the slightest intention on the part of the

Orangemen to come into collision with the people who attended the meeting; yet they walked down and absolutely dispersed the meeting by force, without the slightest justification. There was not the slightest cause to apprehend any disturbance. Now, that was one of the difficulties they had to deal with in Ireland. If the House did not interfere to prevent the Government acting upon these sworn informations until they had ascertained the accuracy of them, the right of public meeting in Ireland would be gone. He hoped the House would assent to the reasonable Motion of the hon. Member for Wexford, for he could not imagine a doubt existing in the mind of anyone that Mr. Lloyd was a dangerous, violent, and excitable man, whose presence in the South was certain to lead to mischief. As to Mr. Harvey, he was, perhaps, worse than Mr. Lloyd.

THE SOLICITOR GENERAL FOR IRELAND (MR. W. M. JOHNSON) wished to mention that Mr. Harvey was defending himself in an action for assault by the hon. Member at his own expense and through his own solicitors.

MR. BYRNE was of opinion that, inasmuch as these charges against Mr. Lloyd had been made and supported, the Government, if they were jealous of their reputation and the honour of their officials, should be fair and straightforward, and allow the investigation asked for by his hon. Friend the Member for Wexford to take place. The hon. Member's proposal was a very reasonable one. This was not a small matter, but a very serious affair, for Mr. Lloyd had the lives and liberties of a large number of people under his control.

MR. T. P. O'CONNOR asked if the Solicitor General for Ireland really meant to refuse the assurance desired by the hon. Member for Carlisle (Sir Wilfrid Lawson) and other hon. Gentlemen?

THE SOLICITOR GENERAL FOR IRELAND (MR. W. M. JOHNSON) said, it was not in his power to give such an assurance; but he had distinctly pointed out the course open to hon. Gentlemen.

Question put.

The House divided:—Ayes 75; Noes 18: Majority 57. — (Div. List, No. 359.)

Mr. O'Kelly

NAVY—NAVY AND DOCKYARD
OFFICERS.—OBSERVATIONS.

MR. H. DRUMMOND WOLFF said, that, though he did not wish to detain the House, he was unfortunately compelled to bring some grievances connected with the Navy before the House in that manner in consequence of the extraordinary conduct of the First Lord of the Admiralty. That noble Lord had had the unlimited pretension to refuse to receive Members of Parliament on matters connected with their constituencies. When a body of Members connected with Dockyard constituencies had wished to see him he had refused to receive them, and had therefore thrust upon them the necessity of appealing to their Constitutional privileges. He had no wish, nor had the Dockyard officials any wish, to obstruct the proceedings of the House by bringing forward their grievances, and he should not have done so but for the attitude taken by Lord Northbrook towards Members of Parliament. It might do very well in India, but it was not at all consistent with the duties of a Cabinet Minister towards the Representatives of the people. The case he wished to bring before the House was that of the old navigating officers. The old officers now found themselves completely eclipsed by a younger class of men, so that their position was becoming almost untenable, and many a good appointment to which they had hitherto looked had been taken away from them. Navigating lieutenants and staff commanders were constantly placed under the orders of officers junior to themselves, while their pay and pension were inferior to those of the newer class. Now, a commander of the new class and a lieutenant detailed for navigating duties, after 21 years' service, were entitled to a pension of £400 per annum, while staff commanders and navigating lieutenants were only entitled to £290. It was perfectly plain that if they had the power of addressing the Minister privately at his residence on these questions the House would be saved the trouble of listening to details which could be much better discussed in private than in public; and when Ministers were open to that mode of access it conducted very greatly to the quicker discharge of the Business of the House. He mentioned the matter now to call

the attention of his hon. Friend the Secretary to the Admiralty, whose courtesy he was glad to say none of them could complain of, to it. He would also ask his hon. Friend a question with regard to the warrant officers. They suffered under a grievance which had been recognized, he thought, but not remedied. There was a clause in the Admiralty Regulations called the "other ships" clause, the effect of which was that while other officers in the Navy received the same pay whether they were at sea or on shore, the warrant officers were mulcted of £27 a-year when they were in harbour. Those officers had assured him that it was quite as expensive to live in places like Portsmouth and Plymouth as when they were at sea. He thought that matter ought to be brought before the House and the Secretary to the Admiralty in a manner as detailed as possible, because he believed that the increase that would be involved in the Estimates if those officers received the same treatment as others in Her Majesty's Service would be very small indeed, and it would render a very deserving set of men much more contented than they at present were. He should have said something with regard to the Royal Naval Engineers; but his hon. Friend the Member for Plymouth had applied his mind to that question, and was about to bring it forward in Supply, when, perhaps, he might have the opportunity of saying a few words. He had no wish to detain the House, and had brought forward that question very reluctantly, only because of the manner in which he had been received by the First Lord of the Admiralty.

MR. PULESTON thought this was hardly the occasion to discuss this subject, because it seemed to him it could be better brought forward when the Naval Estimates were under discussion. He joined with the last speaker in deprecating in the strongest manner the unusual course taken by Lord Northbrook in refusing to receive a deputation of Members representing Dockyard constituencies. A number of Members united together, and his hon. Friend the Member for Plymouth (Mr. MacIver), who happened to be the spokesman on that occasion, respectfully asked for an interview with the First Lord of the Admiralty, in order to lay before him what they considered to be mat-

ters very material to the public interest, and desirable that he should know. He, however, received a reply couched in the most curt language. The Predecessor of the present Secretary to the Admiralty (Mr. Shaw Lefevre), replying to a request of some officials and others employed in the Dockyards, said he could not entertain any statement of the grievances of the officers at the Admiralty, but that a fair and full opportunity would be given to all parties employed in the Dockyards to ventilate their grievances on the occasion of the annual visit of the Lords of the Admiralty. This was perfectly satisfactory to all; but when the Lords' annual visitation came round these promises were set aside at once with a very curt reply, and the officials were not allowed to go near them, or to represent to them in any way their grievances, except through their superior officers. That course was naturally attended with extreme inconvenience, and must result in the discontent of men who should be encouraged in every proper and reasonable way.

MR. MACLIVER said, he was very unwilling to say anything which would seem discourteous to the First Lord of the Admiralty; but he must join in the expressions employed as to the refusal of the noble Lord to receive the deputation. The Members who composed that deputation had substantial grounds for applying for an interview, and he thought the refusal to receive them was exceedingly unwise and exceedingly discourteous to the House. He hoped at any future time, when a similar application was made to the First Lord of the Admiralty, it would be met in a different spirit. At all events, they would not be deterred by such a refusal in again pressing the grievances and complaints of men in the Service who were entitled to be heard, and whose case called for a remedy.

MR. TREVELYAN said, his hon. Friend the Member for Portsmouth (Sir H. Drummond Wolff) had not given him Notice of his intention to bring this matter forward, and he could not answer the points raised in such detail as he would like. He could quite understand exception being taken to Lord Northbrook's ship-building policy, and the manner in which he distributed ships among the squadrons, for those squad-

rons were all over the world; but he was extremely surprised to hear his personal courtesy called in question. He should have said that there was no First Lord who, at greater personal inconvenience to himself, had, in the discharge of his duties, given greater satisfaction to hon. Members. He wished in some respects there were a larger House present, for he was sure that many more hon. Members would bear testimony to what he said. He should have liked to hear Lord Northbrook's account of the circumstances to which the hon. Members had referred; but he thought, so far as he could gather from the conversation, that there was an explanation to be made. He believed that the hon. Members referred to a deputation that proposed to wait upon the First Lord to represent the grievances of the Naval Engineers. He thought there was a very great deal to be said as to whether the grievances of the Engineers were a proper subject for a deputation of Members of Parliament. As the matter had appeared in some newspapers, it was a more serious thing. It was there called a deputation of the Royal Naval Engineers. Hon. Members must remember what these Engineers were, and what they claimed to be. They were commissioned officers of the Navy like post captains and commanders, and they claimed that they were not sufficiently treated as commissioned officers. As long as he was at the Admiralty, he would take care that that claim should diminish until it ceased to exist. He would ask hon. Members what they would think if deputations of lieutenants and captains in the Navy came up to London to interview Members of Parliament, and if, upon hearing them, the Members went straight to the First Lord of the Admiralty? If the same system was carried on in the Army, he would like to ask hon. Members what effect it would produce on the discipline of the Army? He was quite sure that when the naval officers began to appreciate the difference in their treatment now from what it had been they would almost be surprised that so late as 1881 they took such a course as to lay their grievances before the Admiralty. As to the warrant officers, the hon. Member must remember that the grievances of this class of officers was a recent one, and was caused by the removal of pre-

Mr. Puleston

vicious grievances. The old grievance was that these officers got no more money by going to sea than by remaining on shore. On account of that they were divided into two classes, one being sent to sea while the other remained on shore, and the consequence was that those on shore became dissatisfied. It was, however, a matter which affected the public purse, and that must be taken into consideration in dealing with it. As to the navigating officers, he sympathized with them very much, because they were a class rapidly becoming extinct; but he did not believe practical grievances existed among them. The percentage of navigating officers who were employed now was very decidedly larger than that employed in recent years. As to their being put under the orders of junior officers, the hon. Member was, no doubt, well aware that it was always so. Masters were always in a different position, on shore especially and elsewhere, to what were called the executive officers of the Navy; but these grievances had appeared owing to the absorption of a number of officers of the navigating branch in the executive branch. It was, however, extremely important as far as possible that these senior officers should be kept to their own line, and should not find themselves placed behind their juniors. The conclusion at which the Admiralty had arrived on the whole was, that it was impossible to deal with this question otherwise than by dealing with each case separately. Beyond that which he had mentioned, he did not believe the navigating officers had any grievance which they had 10 or 15 years ago, except that grievance of the disappearance of their special line.

Mr. ARTHUR O'CONNOR wished to call attention to the objectionable system adopted by the Admiralty with reference to the pensions given to widows of naval officers. In order to check the amount of the private incomes of those ladies they were required to make a declaration, and the facts so stated were made the subject of offensive inquiries. The Comptroller and Auditor General, no doubt, had pointed out that widows in one case had an income of £550, and in two or three other cases of £200 or £250 a-year of their own. But these were very rare cases, and it seemed unbecoming that the Comptroller and Auditor General should busy himself about such

matters. He would, therefore, ask whether the hon. Gentleman the Secretary to the Admiralty could not cause a discontinuance of this inquisitorial system, which was felt to be a peculiarly painful thing to many persons?

Mr. TREVELYAN stated that he would answer the hon. Member when the House was in Committee.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—NAVY ESTIMATES.

SUPPLY—considered in Committee.

(In the Committee.)

(1.) £877,890, Half-Pay, Reserved Half-Pay, and Retired Pay to Officers of the Navy and Marines.

Mr. PULESTON said, it would be convenient if the Secretary to the Admiralty would redeem the pledge he had given that he would lay before the Committee a statement as to the changes to be made in the Marine Corps. He did not know whether the scheme had been prepared; but the promise to which he referred was made in July last.

SIR H. DRUMMOND WOLFF asked if anything had been done with regard to pensions to the widows of seamen and marines? The question was one of vital importance, and it had been more than once promised that it should be looked into. Admiral Gambier had several times submitted to the Admiralty schemes for creating these pensions, and had pointed out that there were several sources out of which they could be granted without adding to the burdens of the country—for instance, the proceeds of seamen's effects, unclaimed pay, and prize money, and other matters. Under these heads, without doubt, money could be obtained from which the unhappy widows might be granted annuities. When anything happened like the accidents to the *Atalanta* and *Eurydice* the public came forward as soon as its attention was drawn to the circumstance, and did a great deal to support the widows of the men who were lost; but nothing was ever done by the State for the widows of men who died in the fulfilment of their duty. He had been told of a case at Portsmouth, in which the widows of two men who were drowned in rendering assistance to a vessel that was lost got nothing whatever, while

the widows of the men belonging to that ship, owing to the amount of public sympathy that was excited, obtained by subscription a considerable amount of money.

MR. MACLIVER said, he wished to call attention to the position of the Naval Engineers, whose pay, instead of being raised in accordance with the representations made to the Admiralty, had, in some cases, been reduced.

THE CHAIRMAN pointed out that the subject upon which the hon. Member was speaking was not relevant to the Vote before the Committee, which related to half-pay and retired pay to officers of the Navy and Marines.

SIR H. DRUMMOND WOLFF said, he thought the pay of Naval Engineers entered into the question before the Committee.

THE CHAIRMAN said, the hon. Member for Plymouth (Mr. MacIver) could, of course, speak upon the question of half-pay to these officers, but not upon the full pay.

MR. PULESTON suggested that the hon. Member should defer his remarks until the Vote for Pay of the Navy was reached, when there would be an opportunity of fully raising the question.

SIR H. DRUMMOND WOLFF hoped the question would not be postponed.

THE CHAIRMAN said, the hon. Member for Plymouth would be perfectly right in raising the question upon the regular Vote; but to do so now was entirely out of Order.

Vote agreed to.

(2.) £847,035, Military Pensions and Allowances.

MR. TREVELYAN said, perhaps he might be allowed to say a few words in reply to his hon. Friend opposite (Mr. Arthur O'Connor) on the subject of pensions to the widows of seamen and marines. In the first place, there were different methods in almost every Department of the State of dealing with the widows of public servants. In the Civil Service no pensions whatever were given; there were certain pensions in the Military Service, but none in the Naval Service. In that respect the Navy was so far worse off than the Army; but it was immeasurably better off than the great mass of Civil servants. The hon. Member for Portsmouth (Sir H. Drummond Wolff) had brought forward the

question of pensions to the widows of seamen and marines. With regard to that question, he begged to point out that the Admiralty would have been most willing to move in the direction indicated had they felt justified in calling upon the House of Commons to provide the enormous sum which would be necessary to provide the pensions in question. But they had not felt so justified, particularly as the seamen were the best paid class of all the fighting Services of the country. The Admiralty, however, would have been glad to establish a provident fund for the relief of the widows of seamen; but when the men were questioned on the subject, it turned out that only about 3 per cent of them were willing to contribute the amount out of their pay which would have been necessary to provide that fund.

MR. MACFARLANE asked whether it was 3 per cent of the married men who objected?

MR. TREVELYAN said, it was not; but 3 per cent of all the men who had been canvassed. With regard to the widows of officers, if it was found that a very small number of them gave up their pensions, it would be a matter for consideration whether the inquiry into their private means should not be given up. But if a considerable number did give up their pensions, or did not come forward to claim them at all because their incomes were large, then he thought the Admiralty would not be justified in making any change.

SIR JOHN HAY said, he believed that this inquiry into the means of the widows of naval officers did not save very much money to the State. He was rather surprised at the statement made by the Secretary to the Admiralty with regard to the 3 per cent only of seamen of the Navy who had expressed their willingness to contribute from their pay the sum necessary to establish a provident fund. Having read the Return moved for by Mr. Egerton Hubbard (late Member for Buckingham), he thought the percentage must refer only to the number of men who were willing to contribute a proportion of their pay very much in excess of what was supposed to be necessary, having regard to the various sources indicated by the hon. Member for Portsmouth (Sir H. Drummond Wolff). Of course, if a large sum of money was proposed to be deducted

Sir H. Drummond Wolff

from their pay, both married and unmarried men were very likely to object; but he believed that a contribution was promised by a majority of those classes, which, taken with the money derivable from the sources named by his hon. Friend, would have produced the desired pensions for their widows, without any addition to the taxation of the country. Without refreshing his memory from the Return of the late hon. Member for Buckingham, he should be sorry to state categorically his opinion as to that subject; but he thought the Secretary to the Admiralty would find that the percentage to which he had alluded did not apply to what he would call the more reasonable proposals made in behalf of the widows of the seamen of the Navy.

MR. PULESTON said, that the small percentage of the men alluded to by the Secretary to the Admiralty was probably due to the fact that no matured scheme had been laid before them on the part of the Admiralty. The general impression of the Service had been that if the Admiralty matured a scheme sufficient money would be available from the sources mentioned by Admiral Gambier to provide pensions, without calling upon the men to make any contribution at all, though an approved scheme would, he believed, have the support of all in the Service. One very strong reason for doing justice to the Navy in this respect was that it would contribute more than anything else to make the Service attractive, while, at the same time, dismissal would be regarded as the greatest possible punishment. It would also contribute to putting a stop to desertion. Therefore, it was his opinion that from a purely selfish national standpoint alone the Admiralty could well afford to make this concession, and that it would be money well invested. In reference to the marines, he would ask the Secretary to the Admiralty whether he would let hon. Members see the scheme promised on a former occasion, before the Committee met again upon the Naval Estimates. In adopting that course he believed the convenience of the Committee would be very much consulted.

SIR H. DRUMMOND WOLFF said, he believed that no clear scheme with regard to pensions for the widows of seamen and marines had ever been drawn up by the Navy. An attempt

was made to do this at one time, but it was dropped, owing to difficulties which were found to exist. But, as he had already pointed out, Admiral Gambier had stated that the different stoppages and savings would be sufficient for the purpose of founding annuities, without further contribution. He, therefore, hoped the hon. Gentleman would look into this matter, and see whether upon thorough re-examination something could not be done. It was perfectly plain that seamen were not in the same position as civilians or soldiers, because they were constantly exposed to danger. With regard to the question of pensions to the widows of officers, he thought the present practice of calling upon these ladies to make a return of their private means was not fair. He did not see why a distinction should be drawn between the poorer widows and those who were better off; and if the practice were discontinued he believed that a very unpleasant grievance would be removed.

MR. ARTHUR O'CONNOR said, he hoped this practice would be discontinued. His attention had been drawn to the case of a widow of a naval officer in very difficult circumstances, and one of her great troubles was the battle she had with herself every year as to how she should bring herself to sign the declaration required of her. This lady had dependent upon her two female relatives, and she stinted herself very much in order to enable them to live, and she would not be able to do this but for the pension she received on account of her husband's services. It was clear from this that the practice of requiring a declaration pressed very heavily on the minds of deserving ladies, although there might be some whose consciences were not so tender as that of the lady to whom he had alluded. Then, he had been informed of the case of another lady, whose pension had been discontinued simply because, after some years, she had had an increase in her means. It was perfectly inconceivable to him that the widow of a naval officer should be dealt with in such a manner. He trusted that this system of confidential investigation, which pressed very heavily upon the ladies in question, and was by no means useful to the Service, would be done away with.

Vote agreed to.

(3.) £337,991, Civil Pensions and Allowances, *agreed to*.

CIVIL SERVICES.

CLASS V.—FOREIGN AND COLONIAL SERVICES.

(4.) £93,570, to complete the sum for the Diplomatic Services.

MR. ARTHUR O'CONNOR wished for some explanation with regard to the item of £10,000 on account of Her Majesty's Mission to Persia. There was nothing estimated for last year, and the amount on the earlier Estimates was £12,000.

LORD FREDERICK CAVENDISH said, that nothing was included in the Estimates of last year, because there had been a long-pending dispute as to the quota to be paid by India in respect of this Mission.

SIR H. DRUMMOND WOLFF said, he could not understand why the rent of the Minister's house at Brussels did not appear on the Estimates.

LORD FREDERICK CAVENDISH said, that this matter was in the hands of the Board of Works.

MR. LEE said, there appeared to be a great want of regularity in regard to the appointments of chaplains. For his own part, he did not think they were required at all.

SIR CHARLES W. DILKE said, that during the last Parliament a Committee sat to consider this question, and reported in favour of the re-creation of these Consular chaplaincies.

MR. LABOUCHERE pointed out that a Committee had also recommended that at the age of 70, Ministers should be called upon to retire. He believed the object of this was to increase the chances of promotion; but it seemed to him a foolish suggestion, and he was sorry that the Foreign Office had acted upon it. It seemed to proceed on the assumption that at the age of 70 a man must necessarily have broken down, while it was perfectly well known that at the age in question our Ministers had shown themselves able to do excellent service. The result of this hard-and-fast line being drawn would very likely be that persons would be put into positions in which they would not do the work as well as their predecessors.

SIR CHARLES W. DILKE said, that the Secretary of State for Foreign

Affairs might, if he chose, disregard the rule in exceptional cases.

SIR H. DRUMMOND WOLFF asked what had been done under the rule instituted by Earl Granville with regard to the changing of Ministers at the end of five years? He remembered that Baron Beust was removed because his Government said he had resided so long in England that he had become more English than German, and he also knew of cases where British subjects abroad could get nothing done for them, because the Minister wished to make himself acceptable to the Power to which he was accredited rather than to his own Government. He hoped that something would be done in the matter of changing Ministers who had been a long time at their posts.

SIR CHARLES W. DILKE said, that changes had been more frequent since Earl Granville came into Office. The principle was, no doubt, a good one, though the long and valuable services of Lord Lyons at Paris and Lord Amthill at Berlin formed important exceptions to the general rule.

MR. T. P. O'CONNOR asked why India was called upon to pay £15,000 a-year towards the expenses of the Embassy in China? He could not see that India had any direct concern with our relations with China, which were important only to the general interest of the Empire. Surely the taxpayers of England were far better able to pay for this Embassy than the poor people of India, who, as far as he could understand, were in no way benefited by it. In looking over the list of Embassies he was astonished to find the magnitude of the salaries paid to Ministers abroad—for instance, to the Ambassador at Constantinople, £8,000; St. Petersburg, £7,800; Brussels, £4,000; Paris, £10,000; Japan, £4,000; Spain, £5,000; and Sweden, £3,000. He might live to see the day when the hon. Baronet (Sir Charles W. Dilke) was Leader of that House, and he felt sure he would then make a regular crusade against this portion of the Estimates. He could not but feel that the salaries paid to Ministers abroad were far beyond the resources of the country to afford. Moreover, in many cases, there had never been much advantage in having the offices at all, except, perhaps, when the doctrine of *Civis Romanus sum* gave to the English-

man abroad the privilege of making himself a nuisance wherever he went. He thought that we had now arrived at a much healthier position in respect to foreign affairs, and that we ought, in consequence of the change that had taken place, to get rid of some of the salaries and charges which were created at a time when our foreign policy was quite different.

SIR CHARLES W. DILKE said, he thought that the contribution of India to the cost of the Legation in China was justified by the circumstances. The reason why the charge appeared in its present form was because India had very important and delicate interests in Persia, while the amount paid by India in connection with the Legation in China was estimated in relation to the share of Indian commerce with that country. With regard to the salaries of Ambassadors, he feared he could not hold out any hope of their being reduced. The best way of arriving at a conclusion as to whether they were too high was to compare them with the salaries paid to the Representatives of other great Powers. It had been supposed that the salaries paid to English Ministers were greater than those paid by other Powers; but subsequent examination had shown that this was not the case. His hon. Friend the Member for Galway had instanced St. Petersburg, Paris, and Constantinople, as places at which the salaries were unnecessarily large; but he could assure the Committee that it was impossible for the Ambassadors in those cities to save any money on their present allowances. He was, however, not in a position to say that our Ministers at places of less importance would not be able to do so; but, as a rule, he believed that our Ambassadors were generally out of pocket. Under the circumstances, he was not able to hold out any expectation of reduction under this head.

MR. LABOUCHERE said, as a matter of fact, Constantinople was the only city in which our Ambassadors could save any money, because he believed that there everything was paid for them. But the objection was not to the salaries at the large cities, but to those at places of minor importance—to small Courts like that of Darmstadt, where the gentleman who resided there had absolutely nothing to do, except to give a dinner occasionally to the few English living

there. Economy was not to be secured by reducing the salaries at the large places; but by doing away with them at these small Courts, where a Minister was unnecessary.

SIR CHARLES W. DILKE pointed out that since 1870 several Missions had been altogether suppressed.

MR. LYULPH STANLEY remarked, that anyone looking at the Estimates would observe that we were represented at Dresden by a Legation, at £750 a-year; whereas at Darmstadt, a place of less importance, we paid £1,050 a-year. He was quite aware that at one time there were reasons why we should be specially represented at the latter place; but they existed no longer. He thought this was one of those little irregularities which might be corrected when a vacancy occurred at the post.

MR. ARTHUR O'CONNOR said, he wished for information from the hon. Baronet with regard to the ransom of Colonel Synge in Turkey. That gentleman, whilst travelling on his own account, had very foolishly placed himself in a position in which he ought never to have been. He was seized by brigands, and the Foreign Office were saddled with a charge of £12,000 to get him set free. Consul Blunt had been obliged to go in an undignified way to make terms with the brigands—purchasing rifles and watches for them, and handing them a draft on the bank at Salonica. The Foreign Office had demurred to this payment; but it was finally charged upon the Estimates, and it was proposed to treat it as an advance. He believed the amount was still outstanding. The Turkish Government were presumed to be liable to pay this money back, but it was doubtful whether they could do so; and he should, therefore, be glad to know what steps it was proposed to take in this matter. Did the Government intend to allow Colonel Synge to get off without paying anything; did they intend to press the claim on the Turkish Government, or did they mean to wipe off the amount as irrecoverable?

SIR CHARLES W. DILKE said, that in the last resort they held the Turkish Government responsible for the repayment of the money; and he failed to see any reason why a part of the money in hand belonging to the Turkish Government should not be kept back until the ransom was paid.

MR. ARTHUR O'CONNOR suggested, in that case, that steps should be taken to make the Foreign Office secure.

Vote agreed to.

(5.) Motion made, and Question proposed,

"That a sum, not exceeding £142,387, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Expense of the Consular Establishments Abroad, and for other Expenditure chargeable on the Consular Vote."

MR. LABOUCHERE said, he wished to move to reduce the Vote by £1,600, the amount paid to Mr. Lascelles, as Consul and Diplomatic Agent—our Representative—in Bulgaria. He did not wish to enter into a long discussion on the question, on a side issue like this; but he must say one word as to our position in Bulgaria, because one of the grounds of his objecting to the Vote was the conduct of the Prince of Bulgaria, and the opinion that was entertained in many quarters that it was improper for us to hold any diplomatic relations with him. After the war between Turkey and Russia there had been a persistent effort made by the English Government then in power to get the province of Bulgaria divided between Bulgaria East and Roumania. That division did take place, and Bulgaria was left, to all intents and purposes, not the large Bulgaria that was hoped for by the present Prime Minister, but consisting of the Northern part of the original Province. By the Treaty of Berlin it was laid down that a Constitution should be elaborated for Bulgaria. That Constitution he had seen reflected on in the newspapers as a bad Constitution. He had made himself familiar with that Constitution, and he must say he regretted that, in almost every instance, the Constitution of this country was not the same as that of Bulgaria. He had never heard of or seen a more sound and excellent Democratic Constitution than that which was given to Bulgaria.

THE CHAIRMAN: The hon. Member cannot discuss the question of the Constitution of Bulgaria on this Vote. He can only discuss any transaction in which Mr. Lascelles took part.

MR. LABOUCHERE said, he should approach the conduct of Mr. Lascelles directly; but it was necessary for him to

describe the circumstances in which the conduct he complained of took place. The Prince of Bulgaria was elected under this Constitution. There was a Chamber, and the Prince was under it—the sound principle adopted in the Constitution being that the Prince reigned and did not rule. One Ministry after another was formed, and the Prince became surrounded by foreign adventurers. The Prince was anxious that the Government should fall into the hands of these adventurers. At the commencement of the summer the Prince resolved to make a *coup d'état*. He announced that a *plébiscite* would be taken, by which autocratic power was to be given to him for five years. He went through the form of gathering together a Grand National Assembly, which was to vote him this supreme power. It was one of the grossest farces ever perpetrated.

THE CHAIRMAN: The hon. Gentleman is still discussing the question of the Constitution of Bulgaria. I must again inform him that he is bound to confine himself to the question of the conduct of Mr. Lascelles.

MR. LABOUCHERE: You will see how I come to it.

THE CHAIRMAN: The hon. Member must come to it, and not go into the whole question of the Government of Bulgaria.

MR. LABOUCHERE said, he was just coming to Mr. Lascelles. This Grand National Assembly was called together—"Order!" He thought he was strictly in Order, as he was introducing the speech delivered by the German Consul General, as *doyen* of the *Corps Diplomatique*, of whom Mr. Lascelles was one. It would be seen directly that he had been obliged to make these preliminary remarks. The Grand National Assembly was called together at Sistova. It was surrounded by troops, in order to prevent the outraged people from turning the Prince out. The *Corps Diplomatique* met together for the purpose of addressing the Prince, and, under these circumstances, the *doyen*, or the gentleman who had been longest in the *Corps Diplomatique*, was in the habit of speaking in the name of all the members of the Diplomatic Body. He (Mr. Labouchere) might presume that the *doyen's* Address had been read over to Mr. Lascelles, and that his opinion was taken on the subject. At any rate, as Mr. Lascelles was

at the meeting, he was responsible for what took place. What did take place was this. The *doyen*, speaking in the name of Mr. Lascelles and the others, said—

"The *Corps Diplomatique* is happy to greet your Highness, through me as intermediary, on your arrival in this town.

"The Representatives of Europe, on the eve of the meeting of the Great National Assembly, form the sincerest wish that the union between your Highness and the country may be indissolubly maintained. Your Highness, by the high destinies which have devolved upon you, constitutes, in the eyes of Europe, a guarantee of order and tranquillity, and the pledge of a happy development of Bulgaria in the path of progress."

It must be remembered that this language was addressed to the Prince, after what he should be prepared to show—had he the opportunity of making his speech in the House instead of the Committee—was one of the most outrageous and nefarious attacks upon public liberty ever perpetrated. The Prince replied to the *Corps Diplomatique* as follows:—

"Messieurs les Agents,

"I am happy to see you in this town under the grave circumstances which have brought me here.

"As you say, M. l'Agent, on the part of your colleagues, being in the eyes of Europe the representative and depository of the destinies of the nation"

—why he said so, he (Mr. Labouchere) did not know; but the *Corps Diplomatique*, Mr. Lascelles amongst the number, listened to it—

"which has been confided to me, I do not doubt for an instant that my country, marching in the paths of progress opened to it, will always be able to justify the sympathies of the world, and the confidence which Europe evinces in us.

"I am also happy that you, MM. les Agents, being in the country, have already been able yourselves to realize what is the will of the people, guided by Divine Providence, in the accomplishment of its destinies.

"I am also happy that you, MM. les Agents, for the lively interest of which you have given me proof during this crisis, so vital for the future of the Bulgarian nation."

So that the Prince accepted the words of the *doyen* as a statement of the opinion, not only of the *Corps Diplomatique*, but of the Powers of Europe, England included. The Prince, in reply to an Address presented to him by the Representative of England, said he would be able to justify the sympathies of the world, and the confidence which England evinced in him. Then the Prince

said the *Corps Diplomatique* had been able to realize what was the will of the people "guided by Divine Providence." Why, that was rank blasphemy. Then, with Mr. Lascelles standing by, the Prince thanked him for the lively interest he had taken in him during what he (the Prince) was pleased to call "this crisis so vital for the future of the Bulgarian nation." The Prime Minister of England had, when this took place, already received the telegram from the three Ministers who had been ejected from the country—one of whom, he had read the other day, was sent to prison, released, and again incarcerated—and the President of the Ordinary National Assembly. He would call attention to the words of the telegram. They were as follows:—

"In the hardest times for our nation we find ourselves obliged to have recourse to the generosity of the English nation, and personally to you, and most humbly to pray you to deliver the order by legality [*i.e.*, legal order] and liberty (for which every Englishman has always been the true guardian) of our country from a foreign unrestrained and imposed militarism.

"You know, Sir, better than everybody else, that elections for the just and true expression of the national will, when taking place under the pressure of whips, bayonets, and guns—as is the case with us at present—are simple mockery of the national will, and a most flagrant violation of liberty.

"(Signed) Ex-Minister KARAVELOFF.

Ex-Minister ZANCOFF.

Ex-Minister SLAVELIKOFF.

President of the Ordinary National Assembly, SOUVENAROFF."

The opinion he had expressed, therefore, was not only his own opinion derived from the correspondence, but it was the clear and distinct statement of the gentlemen who, up to the time of the *coup d'état* took place were supposed, and, he presumed, supposed rightly, to represent the views of the Bulgarian nation. A vote was taken in the Great National Assembly—and a unanimous vote, under the guns of the soldiery was, he believed, given in favour of the Prince. The *doyen* of the *Corps Diplomatique*, subsequently, in the presence of his colleagues, congratulated the Prince of Bulgaria upon the vote of the Assembly. He said—

"The *Corps Diplomatique* hastens by my voice to present to your Highness their respectful congratulations on the occasion of the solemn vote of the Great National Assembly.

"My colleagues and I are glad to note that the Bulgarian nation, under the present circumstances, has pronounced its opinion with the

same unanimity as when it made choice of your Highness as the depository of its destinies. This fresh expression of the will of the Bulgarian people is a striking proof of their feelings of confidence in and fidelity towards your Highness, and of their resolution to follow you in the path in which you will lead them to ensure the progress, welfare, and prosperity of Bulgaria."

In his reply, his Highness thanked the *Corps Diplomatique* for their congratulations, and requested them to convey to their respective Governments the expression of his gratitude for the sympathy which had been shown him during the crisis. The other day, when the Under Secretary of State for Foreign Affairs was asked whether any communication had been received from Foreign Governments, asking that a united action should be taken to endorse, on the part of all Signatories of the Berlin Treaty, the action of the Prince of Bulgaria, the hon. Baronet had replied that such a communication had been received, but that Her Majesty's Government had declined to do so. He understood that Her Majesty's Government were not prepared to adopt the course of armed intervention. It was desirable that Her Majesty's Government should maintain, as far as possible, the European Concert; but it must be remembered that Russia had never lost an opportunity of supporting the Prince. ["Order!"]

THE CHAIRMAN: The hon. Member is discussing the question of the present condition of Bulgaria in a Committee devoted entirely to Supply. He would have been in Order in doing so before the Speaker left the Chair, but he is not in Order now.

MR. LABOUCHERE said, the Committee would see the difficulty he was in. He was endeavouring, in every way he could, to avoid an infringement of the Rules. However, he would merely say this, that Mr. Lascelles had thoroughly misconducted himself. There was no reason why we should have any Representative in Bulgaria; but, at any rate, if we were to have one, it should not be a gentleman who had recognized an outrageous and nefarious attack upon public liberty, and pledged Her Majesty's Government to support it.

Motion made, and Question proposed,

"That a sum, not exceeding £140,787, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Expense of

the Consular Establishments Abroad, and for other Expenditure chargeable on the Consular Vote."—(Mr. Labouchere.)

SIR CHARLES W. DILKE said, his hon. Friend had concluded his remarks by saying that we ought not to have any Representative in Bulgaria at all. But a Representative in a country was not intended entirely, or even chiefly, to do honour to the country to which he was sent; but he was sent principally for the protection of our own people and our own trade, and in order to give us information as to what was passing in a certain portion of the world. But he did not suppose that his hon. Friend seriously intended to leave us without a Representative in Bulgaria. Departing from that ground, it was difficult to discuss this matter, because the House was not yet in possession of the Papers which he himself had only received within the last few hours. He had laid them on the Table last night, and they would be shortly in the hands of hon. Members. He had only just received the assents of the Governments interested in the publication of the documents, and therefore the Papers were only presented yesterday. They were, technically, before the House; therefore, he could refer to them. It appeared that Mr. Lascelles had succeeded in considerably modifying the form of the Declaration which was made to the Prince of Bulgaria by the *Corps Diplomatique*. Mr. Lascelles wrote to Earl Granville on the 15th July—having telegraphed the substance of the despatch—as follows:—

"A proposal had been originally made that the *Corps Diplomatique* should express the hope that the Great National Assembly would ratify the choice of the nation, which had been clearly expressed by the recent *plébiscite*; but I objected strongly to this, on the ground that I could not join in what appeared to me to be a direct interference in the internal affairs of the country, and an attempt on the part of the foreign Representatives to influence the vote of the Great National Assembly. My opinion was shared by the French and Italian Agents, and it was finally decided that the sentence to which I objected should be omitted from the speech."

The speech was considerably modified at Mr. Lascelles' suggestion, and the most objectionable matter was taken from it. With regard to what did appear in the speech, Mr. Lascelles wrote at considerable length. He said, writing from Sistova—

"On my arrival here on the 10th instant, I found your Lordship's telegram of the 8th in-

Mr. Labouchere

stant on the subject of the Declaration which it was proposed that the Representatives of the Great Powers in Bulgaria should make on the occasion of the meeting of the Great National Assembly, and instructing me only to join in this Declaration if it should be worded as was at first proposed.

"The German Agent, who has been to Varna for the purpose of consulting his Russian and Austrian colleagues as to the best means of carrying out their instructions, has informed me that, as it seems certain that the Great National Assembly will accept the Prince's conditions without opposition, they have decided not to make the Declaration unless a change in the disposition of the Deputies should indicate a possibility of the Prince's conditions being rejected, in which case they would address a strong Declaration to the Assembly. They thought, however, that at the reception which the Prince of Bulgaria was about to hold of the *Corps Diplomatique* on his arrival at Sistova, it would be advisable for M. de Thiers, as *doyen* of the *Corps*, to make a speech, which would, to a certain extent, replace the declaration.

"M. de Thiers read to me the draft of the speech which he had drawn up with the approval of M. Hitrovo and M. de Burian, in which the hope was expressed that the Great National Assembly would ratify the decision of the nation as expressed by the recent *plébiscite*. The speech continued by assuring His Highness that the foreign Representatives, on the eve of the meeting of the Great National Assembly, formed the most sincere wishes for the maintenance of the Union between His Highness and the country, and that His Highness constituted in the eyes of Europe a guarantee of order and tranquillity, and a pledge of the development of Bulgaria in the path of progress.

"I told M. de Thiers that it appeared to me that the first part of the speech was a direct interference in the internal affairs of the Principality, in which I could not join. Your Lordship's instructions were precise upon that point, and although there was, no doubt, some difference between a formal declaration and a speech addressed to the Prince by the *doyen* of the *Corps Diplomatique*, the speech would evidently be published, and would be looked upon as an attempt on the part of the Agents to influence the vote of the Assembly. I had no objections to make to the concluding portions of the speech, although I should have preferred to omit all mention of the Great National Assembly.

"At a meeting of the Agents and Consuls-General, at which all the Representatives of the Great Powers were present, with the exception of the Russian Agent, M. de Thiers pointed out that, as he and his Russian and Austro-Hungarian colleagues had received instructions to give a very strong support to the Prince, they had thought that it would be advisable to take advantage of the reception of the *Corps Diplomatique* to give His Highness a proof of that support. He added that the speech had been prepared with the consent of M. Hitrovo, and had been approved by the Prince, and that, as His Highness intended to receive us immediately after his arrival, there would be no time to submit to him any altera-

tions in it. He suggested that he might make those portions of the speech to which I had no objection in the name of all his colleagues, and then add that the Representatives of the three Empires had been instructed to express the hope that the Great National Assembly would accept His Highness's conditions.

"My French and Italian colleagues joined me in objecting to this course, which would have the effect of proving that a difference of opinion existed among the Great Powers. It was most undesirable from every point of view that this should be done, and great encouragement would be given to the Prince's opponents if it became known that the Great Powers were not agreed upon the Bulgarian Question.

"M. de Thiers then proposed that he and M. Hitrovo and M. de Burian, after the reception of the *Corps Diplomatique*, should ask for an interview with the Prince, in order to communicate their instructions to His Highness.

"I observed that this course would equally indicate a difference of opinion among the Powers, and it was finally decided that M. de Thiers should consult the Prince and M. de Hitrovo on their arrival, and, if they should agree to the omission of the paragraph to which I had objected, he should make a speech in the name of all the Powers."

He (Sir Charles W. Dilke) need only quote two other despatches. In a further despatch, on the 18th July, from Varna, Mr. Lascelles said—

"I told M. Hitrovo that I was sorry to have been obliged to object to the speech. Your Lordship's instructions were, however, so precise that it would have been impossible for me to have done otherwise. Even as it was, there were parts of the speech which had actually been delivered which I would gladly have seen altered; but, as all direct interference in the internal affairs of the country had been avoided, I thought myself justified in not separating myself from my colleagues, as it appeared to me most important that we should act together, and thus avoid all appearance of any divergence of opinion among the Great Powers on the Bulgarian Question, and I recognized the difficulty of making any further change in a speech which had been already submitted to the Prince, and to which His Highness had prepared a reply."

Lord Granville, in his reply to this despatch, used the following words—and with these he (Sir Charles W. Dilke) would conclude:—

"As regards the speech of congratulation made by the *doyen* on behalf of the Diplomatic Body to the Prince of Bulgaria, after the vote of the Assembly, of which a copy is enclosed in your further Despatch, No. 114 of the 13th inst. (which has likewise been laid before Her Majesty), I have to state to you that this speech goes further in some of its expressions than Her Majesty's Government would themselves have desired: but they can understand the difficulty you would have had in separating yourself from your colleagues on such an occasion, and the more so as the Assembly had already pronounced itself in favour of the Prince's pro-

posals, and the address could not, therefore, be considered as designed to influence their vote, or as having the same political importance as the one delivered before the meeting of the Assembly."

MR. J. COWEN said, it was the misfortune of Members that they had had no opportunity this Session of discussing in a regular way such subjects as the one raised by his hon. Friend the Member for Northampton. The matter would have been much more appropriately considered on going into Supply rather than in Committee; but the complete control that the Government had taken of all the time of the House had driven Members to resort to Committee discussions, as it was the only chance they had of raising points of public interest. They were hampered by the Rules, and hence matters in dispute could not be fairly stated. They laboured under a further disadvantage, inasmuch as the Papers the Government had promised them had not yet been published, and they had to argue the subject, if not blindfold, certainly with very insufficient data. He would try to keep within the narrow line that the Orders of the House prescribed. But it was impossible, even faintly, to state the case without some reference to the general position of Eastern affairs. These were the facts—The people in Bulgaria complained, and with justice, that they had no direct influence on the government of their State—that the Turkish Pashas treated them unjustly, sometimes cruelly. They demanded their freedom from that domination. As a consequence of the War between Russia and Turkey this desire was in a sense gratified. The European States settled a Constitution for the Bulgarians, and a Prince was appointed to give effect to it. The idea was that the Bulgars—within the lines of this Constitution and under the rule of this Prince—were to govern themselves. That was the intention of the Great Powers. Certainly it was the intention of this country; for, whatever differences of opinion there might have been amongst them at the preliminary stage of the dispute, they were all agreed as to the sort of government that was to obtain as the result of the conflict. What had been the issue? The Prince had from the first conspired against the Constitution that had been put in operation at the

commands of Europe. He had now overturned it, and established a despotism. The Bulgarian people had discovered that they did not get independence. Instead of being governed by a Turkish Pasha they were now ruled by a Russian satrap. The Prince was not only a foreigner and an adventurer himself, but his Ministers were foreigners and adventurers like him. The English Representative, by the part he took, had sanctioned this violation of the Constitution and this breaking of his oath by the Prince. This he held was a distinct interference with the internal affairs of another State, and was contrary to the settled policy of this country. It was quite true that Mr. Lascelles could not prevent the Prince's usurpation, and he was not suggesting that the Government should have taken steps to reverse it. But what he did complain of was that our Ministry should have been in such haste to endorse those high-handed proceedings, and thereby give countenance to them. Distinguished men had suffered for their precipitancy under like circumstances. Lord Russell went so far as to advise the dismissal of Lord Palmerston, who was then Foreign Minister, because he had—first in a conversation with a French Ambassador, and next in a despatch to Lord Normanby—expressed his approval of the usurpation effected by the *coup d'état* of Louis Bonaparte. If such strong measures could be taken with a man like Lord Palmerston, they were not to be prevented from censuring the course that Mr. Lascelles had taken under like conditions. The Under Secretary of State for Foreign Affairs had said it was not customary to withdraw Ministers. There had been instances, however, where that was done. It would be within the remembrance of some present that our Minister at Naples was withdrawn at the suggestion of the right hon. Gentleman (Mr. Gladstone) himself when the Neapolitan Government was acting in a despotic and indefensible way. There was the occasion of our withholding Ambassadorial connection with Spain, and there were numerous instances in South America—amongst them the cases of Rosas, of Mexico, and of Buenos Ayres. There was precedent enough for withdrawing a Minister from a usurping Government when we disap-

proved of its course. It was said, further, that our Minister had succeeded in getting the Address of the Consuls modified. But, even admitting this, the modified Address was objectionable. What he wished to know from the Government was—did they, or did they not, approve of the modified Address? Did they, or did they not, sanction the course that Mr. Lascelles had taken? He was astounded at the indifference with which the unconstitutional proceedings of Prince Alexander had been viewed in this country. A few years ago the warmest possible interest was manifested in Bulgarian affairs. The cry on all hands was that the Bulgarians should be permitted to assert and establish their independence and nationality. And yet here was a Prince who, having been charged by Europe to maintain that independence and uphold that nationality, had overturned the one and trampled upon the other, and established in his own name, and, he (Mr. Cowen) regretted to say, with the approval of our Minister, what was little less than a Russian Governorship in this new State.

SIR H. DRUMMOND WOLFF deprecated the discussion which had taken place, and declared that this attack upon Mr. Lascelles was most unfair. Whatever this gentleman had done had been condoned by Her Majesty's Government. They had acquiesced in his action, and if it had been necessary to censure anyone, it would have been much more pertinent to censure Her Majesty's Government. Between the 8th of May and the time the speech of the *doyen* was delivered, Mr. Lascelles secured an important alteration in it; and there could be no doubt, whatever might be said about his withdrawal, that it would be difficult to find a better man to fill the post he occupied. Things were in a dangerous state in Bulgaria, and Mr. Lascelles was most acceptable, not only to the Prince, but also to the people of the country. It was all very well for the hon. Member for Northampton (Mr. Labouchere) to read despatches, and telegrams, and letters from ex-Ministers whom he (Sir H. Drummond Wolff) believed were at the time conspiring against the Prince of Bulgaria, and who, since they had had the administration of the affairs of the country, had done an incalculable amount of injury.

MR. LABOUCHERE rose to Order. He wished to point out to the Committee that he had not been allowed to go into questions of this kind, and that he would not be allowed to reply to the hon. Gentleman.

THE CHAIRMAN: I must say I think the hon. Member for Portsmouth is travelling a little wide of the Question.

SIR H. DRUMMOND WOLFF said, he would not pursue the question. He must say that Mr. Lascelles, instead of being reprimanded for the course he had taken, ought to be congratulated. He had done that which was advantageous to all parties concerned; and if anybody's salary ought to be stopped it would be that of some Member of the Government, and not that of Mr. Lascelles.

MR. T. P. O'CONNOR said, that unless hon. Members had something on their minds which they were prevented from bringing before the Committee he was afraid they had not much case. What he understood the hon. Baronet to say was this—that the leading principle on which Mr. Lascelles was required to act was as little interference as possible with the internal affairs of Bulgaria. Well, in spite of that, he abandoned the principle of non-interference—but it was only for the purpose of obtaining a modification of the original Address to the Prince. He interfered in the draft of the Address, and that was an abandonment of the principle of non-interference altogether. As he (Mr. T. P. O'Connor) understood it, Mr. Lascelles would have interfered further if he had thought he could have done any good. What was Mr. Lascelles' position? He had a choice of two things, either to signify his disapproval of the action of the Prince and his colleagues, by having nothing to do with the Address, or to make the best of a bad bargain, and not separate himself from the rest of his colleagues. What was the logical conclusion of the remarks of the hon. Member for Northampton (Mr. Labouchere) with reference to Mr. Lascelles? Why this, that he would have wished him to go to the Prince, saying—"I protest against your whole proceedings, and I am going out of Bulgaria." The hon. Member would have had Mr. Lascelles go to the Prince, and say—"I so highly disapprove of your proceed-

ings that I leave you and yours." Well, if he had done that, the Prince of Bulgaria might have replied—"If you want to leave my country, you are at perfect liberty to do so—it is your affair and not mine; but I object that you, as the Representative of England, should separate your self from the Diplomatic Body." Suppose Mr. Lascelles had gone; would anybody have taken his place? But suppose Mr. Lascelles had said to the Prince—"You have suspended the Constitution of Bulgaria." The Prince would have replied—"Not at all; I have only brought in a Peace Preservation Act." Mr. Lascelles would have said—"You have arrested a certain number of honourable gentlemen." But the reply would have been—"Not at all; I have only arrested a certain number of dissolute ruffians and village tyrants." If Mr. Lascelles had adopted the opinions of the hon. Member for Northampton (Mr. Labouchere), the Prince would have been perfectly justified in saying—"Those who live in glass houses should not throw stones."

MR. LABOUCHERE said, he should not divide the Committee on the question. They had had an opportunity of discussing the conduct of Mr. Lascelles, and of listening to the very mild defence of the hon. Baronet the Under Secretary of State for Foreign Affairs. He thought they might gather from the hon. Baronet's remarks that he agreed very much with their protest. If the Government would not go so far as to withdraw altogether our Representative from Bulgaria, he trusted they would consider the desirability of withdrawing Mr. Lascelles, and of sending someone to replace him who had not compromised himself in this extraordinary way. The hon. Baronet had said that the Address could not be altered when Mr. Lascelles counselled an alteration of it, because the Prince would not have an opportunity of saying whether he permitted it. If that was a specimen of the freedom of speech in Bulgaria, he could only say—"Heaven help Bulgaria."

SIR CHARLES W. DILKE asked what would have been the effect of adopting the policy recommended by the hon. Member? It was not certain what would have been the attitude of France; but it was probable that at least Austria, Germany, and Russia would have agreed to a strong unmodi-

fied declaration. As it was, Mr. Lascelles detached France and Italy from their colleagues, the Representatives of Germany, Austria, and Russia, and in this way obtained a modification of the speech. The change in the speech seemed to him (Sir Charles W. Dilke) to have been a very important one. He would not go into the question touched upon by the hon. Member for Newcastle (Mr. J. Cowen) as to the total withdrawal of our Representative from Bulgaria. He could only say he did not think it would be to the interests of England to withdraw our Representative from such a country as Bulgaria. The hon. Member had mentioned some cases where it had been necessary to withdraw the British Representatives; but he could not say that much good was done by those withdrawals. It was desirable in our own interests to keep our Representative in Bulgaria to look after the interests of our own people. In the case referred to, Lord Palmerston had ceased to hold Office because he had taken important action in the internal affairs of a foreign State without consulting his Colleagues. The hon. Member had asked what the Government thought of the action of Mr. Lascelles; and he (Sir Charles W. Dilke) could only repeat that the opinion of Lord Granville would be found in the last despatch in the Papers—the despatch from which he had quoted the most important paragraph. He would repeat some lines from that despatch. Lord Granville said—

"This speech goes further in some of its expressions than Her Majesty's Government would themselves have desired; but they can understand the difficulty you would have had in separating yourself from your colleagues on such an occasion, and the more so as the Assembly had already pronounced itself in favour of the Prince's proposals; and the Address could not, therefore, be considered as designed to influence their vote, or as having the same political importance as the one delivered before the meeting of the Assembly."

Motion, by leave, *withdrawn*.

SIR H. DRUMMOND WOLFF asked whether it would not be a good thing to appoint local merchants to the post of Vice Consul in small unimportant places? These men would have something to live on already, and their appointment might lead to economy.

MR. ARTHUR O'CONNOR wished to know whether there was, practically,

Mr. T. P. O'Connor

any limit to the legal absence allowed to Consuls? The reason he asked this was, because he had heard many comments passed as to the absence from his post of a Consul in Egypt for 18 months or two years.

SIR CHARLES W. DILKE: Why was he absent?

MR. ARTHUR O'CONNOR did not know why this gentleman had been absent so long. This, he knew, was only a solitary case; but it was an instance of an over-generous allowance of leave. It seemed to him that if this gentleman could be spared away from his post for so long, there was good ground for reducing his salary.

SIR CHARLES W. DILKE did not know who the hon. Member referred to; but if he would give him (**Sir Charles W. Dilke**) private information on the point, he would look into the matter. The Vice Consuls in Egypt did not hold important offices. With regard to the question put to him by the hon. Gentleman the Member for Portsmouth (**Sir H. Drummond Wolff**) as to the small Vice Consulates, there was no absolute rule in the Foreign Office as to whether the persons selected should be persons sent out from England or persons on the spot. The Department encouraged the appointments of persons on the spot, and a great many of the less important Consulships were held by local merchants. There were cases where foreign complications had arisen, or were likely to arise, in which it was as well to send out Consuls from England.

MR. LABOUCHERE said, that in some instances the Established Church chaplains attached to the Consulates were paid by the State. There was no reason why this should be, and he thought it would be much more satisfactory if the chaplains were paid by the subscriptions of persons living in the localities. He was told that it was the rule for the State to pay the chaplains a sum equal to that subscribed; and if that system existed, he hoped his hon. Friend (**Sir Charles W. Dilke**) would take means to put an end to it. He should let it be known at the Consulates that if they wanted chaplains they should pay for them.

SIR CHARLES W. DILKE said, the practice of appointing paid chaplains was being put an end to as vacancies occurred. It was, however, difficult

to abolish paid chaplaincies that had existed in the past.

Original Question put, and *agreed to*.

(6.) Motion made, and Question proposed,

"That a sum, not exceeding £4,097, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Expenses of the Mixed Commissions established under the Treaties with Foreign Powers for suppressing the Traffic in Slaves, and of other Establishments in connection with that object, including the Muscat Subsidy."

MR. ARTHUR O'CONNOR said, he proposed to move the reduction of this Vote by the amount of the Muscat Subsidy, which he considered a totally unnecessary charge. The necessity for it had passed. Years ago it was considered only temporary, and yet from time to time it was proposed, and yet no ground in the world was adduced in support of it. In, however, last year, one of the Lords of the Treasury, in a letter written by him, said—

"I take this opportunity of recommending you to remind Lord Granville that no payment should be made of the Muscat Subsidy for 1880-1 without the express sanction of Her Majesty's Treasury."

It seemed to him that the view the Treasury took of the matter was correct, and that this subsidy should be no longer granted. It amounted to £1,800 per annum.

Motion made, and Question proposed,

"That a sum, not exceeding £2,297, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Expenses of the Mixed Commissions established under the Treaties with Foreign Powers for suppressing the Traffic in Slaves, and of other Establishments in connection with that object, including the Muscat Subsidy."—(*Mr. Arthur O'Connor.*)

MR. CROPPER wished to know whether any part of the Muscat Subsidy was charged to the revenues of India?

LORD FREDERICK CAVENTISH said, the payment of this subsidy had been brought about by a series of complicated circumstances. Some years ago the Indian Government agreed to the subsidy; and, subsequently, when **Sir Bartle Frere** went on his mission with the object of suppressing the Slave Trade, it was agreed that the subsidy should

be continued to the Sultan of Muscat—being made jointly by India and England. So long as the Sultan of Muscat, as well as the Sultan of Zanzibar, continued to fulfil the obligations he had undertaken, it would be incumbent on the Government to pay half the subsidy. The subject was not lost sight of by the Government, and when the first opportunity to reduce the charge occurred they would avail themselves of it.

MR. ARTHUR O'CONNOR said, the statement of the noble Lord on this subject was distinguished by the accuracy which always characterized his answers. He (Mr. Arthur O'Connor), however, was sorry he had not been able to gather from the noble Lord anything to explain the departure of the Treasury from the attitude they took up in November, 1880. If this letter he had quoted from was well grounded—and it appeared to have been—the answer of the noble Lord was entirely out of accord with it, and required some explanation. He was prepared to withdraw his Motion on the understanding that the Government were considering the matter.

MR. HEALY said, that before the Motion was withdrawn, he wished to deprecate the zeal with which Her Majesty's Government devoted their attention to putting down the Slave Trade in other countries, without turning their attention to the slave trade in Ireland.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(7.) £7,047, to complete the sum for Tonnage Bounties, &c. and Liberated African Department.

(8.) £870, to complete the sum for the Suez Canal (British Directors).

MR. MONK asked the Government if they thought it desirable to continue paying £1,400 a-year to keep Directors of the Suez Canal Company in Paris, in order to attend an occasional meeting, and to communicate occasionally with M. de Lesseps. He was aware that the late Government had fixed the remuneration; but it appeared to him that the duties of these gentlemen were such as appertained to the Embassy at Paris. He wished to know whether the matter had been considered by the present Government, and whether they thought it desirable that three Directors should be maintained at a cost of £1,400 a-year?

He wished to know, also, what the item in the Estimates "extra receipts," which was set down at £800, really meant?

LORD FREDERICK CAVENDISH said, the extra receipts were, firstly, fees paid to the Directors of the Suez Canal Company; and, secondly, the interest on the shares that might be called "qualifying shares," bought by this country to enable the Directors to sit on the Board. This matter had not been now for the first time brought under his notice; and he believed that some Correspondence furnished last year showed the duties of the Directors to be important, and such as occupied a great deal of time.

MR. MONK wished to know whether the noble Lord would give an assurance to bring this subject of the permanent resident Directors, who were not connected with the Embassy, before the Government?

LORD FREDERICK CAVENDISH said, he should be most happy to consider the matter, and bring it under the notice of the Government.

Vote agreed to.

(9.) Motion made, and Question proposed,

"That a sum, not exceeding £20,751, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, in aid of Colonial Local Revenue, and for the Salaries and Allowances of Governors, &c., and for other Charges connected with the Colonies, including Expenses incurred under 'The Pacific Islanders Protection Act, 1875.'"

MR. ARTHUR O'CONNOR said, he objected to an item in this Vote for the Falkland Islands. Last year there was a Vote for £1,200 for Gambia in aid of the Mail Service; but that was cut out because the income exceeded the expenditure; but now a precisely similar charge, amounting to £1,000, was made in aid of the Mail Service to the Falkland Islands. Those Islands did not, however, require this aid, and it was purely a gratuity. They were progressing very remarkably, and the population, which in 1861 was 566, was now 1,600. The Revenue in 1867 was £6,900; in 1876, £9,150; in 1878, £11,576. The imports had risen from £15,000, in 1865, to £38,000, in 1879; and the exports from £17,000, in 1865, to £71,340, in 1879. He doubted if there was any

place in the world which could show the same increase in population, exports, imports, and revenue. Every year there was a surplus; and if for the same reason the grant to the Gambia was withdrawn, *a fortiori* this grant ought also to be withdrawn. He, therefore, begged to move the reduction of the Vote by £1,000.

Motion made, and Question proposed,

"That a sum, not exceeding £19,751, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, in aid of Colonial Local Revenue, and for the Salaries and Allowances of Governors, &c., and for other Charges connected with the Colonies, including Expenses incurred under 'The Pacific Islanders Protection Act, 1875.'"—(*Mr. Arthur O'Connor.*)

LORD FREDERICK CAVENDISH said, that, owing to certain circumstances, the charges for this Mail Service had been increased, and the whole cost would be a very heavy burden upon these Islands.

MR. COURTNEY explained that the breakdown of a schooner, which had carried on part of the service, had necessitated arrangements which increased the cost from £800 to £1,800, and of this the Islands would pay £800.

MR. ARTHUR O'CONNOR could not regard the explanations as sufficient. He had shown, from official statistics, that there was no necessity whatever for this grant, seeing that the Islands had no debts and had an annually recurring surplus. The surplus this year would be considerably more than the proposed grant in aid. However, it was pretty plain that the Committee hardly cared to divide, and he would not divide upon the point.

Motion, by leave, *withdrawn*.

Original Question again proposed.

MR. ARTHUR O'CONNOR said, he wished to draw attention to the item for Heligoland. He complained of the Vote not being limited to the Governor's salary, as had been decided by the Colonial Office and the Treasury. He also wished to ask some questions respecting Natal and the Transvaal. There was an over-draft made by the British authorities in the Transvaal, some time ago, on the Standard Bank to the extent of £111,000. That, he believed, had not been repaid, and he did not know

whether any steps had been taken to repay it. But when an officer of the Treasury was asked about it by a Select Committee, he said that, in the event of the Bank calling that sum in, he supposed it would be necessary to apply immediately to Parliament for a Vote in aid. Another answer would, he thought, cause the Boers to be rather glad of the Convention. The officer said it was hoped that it might be possible to impose taxation to the extent of £50,000 or £60,000 on the Natives, and that might prevent the necessity of applying to Parliament. The Boers had, by their heroic stand, not only saved their independence, but secured themselves from a deliberate plan by the British Treasury to tax them in order to repay the expenses which the British had chosen to incur, including this over-draft. He was glad that that expectation had been disappointed. The money would have to be paid some time or other, and he presumed it would be necessary to ask Parliament for a Vote. He wished to know what steps had been taken with regard to that matter?

LORD FREDERICK CAVENDISH replied, that, with respect to the Heligoland Vote, Heligoland was not in the same position as the Falkland Islands, for it had no surplus. With regard to the other matter, in consequence of the Convention with Boers, it would be necessary for the Government, this Session, to propose a Vote in aid, and then the subject of this over-draft could be discussed.

Original Question put, and *agreed to*.

(10.) £1,105, to complete the sum for the Orange River Territory and St. Helena (Non-Effective Charges).

(11.) £17,300, to complete the sum for Subsidies to Telegraph Companies.

CLASS VI.—NON-EFFECTIVE AND CHARITABLE SERVICES.

(12.) £209,980, to complete the sum for Superannuations and Retired Allowances.

(13.) £19,550, to complete the sum for Merchant Seamen's Fund Pensions, &c.

(14.) £17,900, to complete the sum for the Relief of Distressed British Seamen Abroad.

MR. ARTHUR O'CONNOR said, some extraordinary charges upon this Vote had been allowed by the Treasury. There was a case in which a black seaman on board the *Daisy* committed an assault on a white seaman. The man was put in irons and ordered home. Before the arrival of the ship at New York, however, he was brought up on a writ of *habeas corpus* and discharged, and the expenses of those proceedings were charged to the public funds in this Vote. The case could not, however, under any circumstances, come under the head of "Distressed Seamen Abroad."

MR. EVELYN ASHLEY said, that was an exceptional case, and would not occur again.

MR. ARTHUR O'CONNOR was afraid that the case was not exceptional, for there were two other cases mentioned on the same page. Some seaman on board the *Ocean Express* at Rio Janeiro went on shore and got drunk. He was locked up, and the captain of the vessel made an allegation before the Vice Consul that the man had deserted, and so got an endorsement on the man's articles, and then proceeded to weigh anchor. But before he got away the Vice Consul learned that the man was locked up, and notified that to the captain. The captain, however, went away, and the seaman's wages now appeared on this Vote. The authorities ought to have looked after the captain, and obtained the man's wages from him. Then there was a third case, in which a seaman was described as a deserter, but whose wages were charged on this Vote.

Vote agreed to.

(15.) £423,000, to complete the sum for Pauper Lunatics, England.

(16.) £39,588, to complete the sum for Pauper Lunatics, Scotland.

(17.) £49,852, Friendly Societies Deficiency.

(18.) £2,021, to complete the sum for Miscellaneous Charitable and other Allowances, Great Britain.

MR. ARTHUR O'CONNOR asked why a sum of £680 was paid to Polish refugees; and also why £1,300, under the head "Her Majesty's Charities and Bounties (Scotland)," should be voted? There was, he added, nothing so demoralizing as these charitable doles, and

he did not understand their appearing in a Liberal Government's Estimates.

LORD FREDERICK CAVENDISH replied, that the grants to Polish refugees were diminishing; and the charitable doles in Scotland were fixed by Act of Parliament. Therefore, although he agreed that they were worthy of consideration, they could not be dealt with.

MR. HEALY asked whether the Polish refugees were persons who had been in rebellion against their Sovereign?

LORD FREDERICK CAVENDISH said, he was unable to inform the hon. Member; but the grants were fixed in 1864.

MR. O'KELLY inquired whether these people were connected with the Polish Committee in London?

MR. O'DONNELL said, he could assure his hon. Friend that these people were not connected with the Polish Committee. They were the historical representatives of the Polish cause in this country, and had nothing to do with the Nihilists. Russia had no more right in Poland than England had in Ireland, and he should support the grants to these refugees.

CLASS VII.—MISCELLANEOUS.

(19.) £19,883, to complete the sum for Temporary Commissions.

(20.) £3,927, to complete the sum for Miscellaneous Expenses.

MR. ARTHUR O'CONNOR said, he wished to refer to an item of £10 in this Vote for the Duchy of Lancaster. He was sorry the Chancellor of the Duchy of Lancaster (Mr. John Bright) was not present, as he would have repeated his question which he put a few days ago with regard to the property of the Duchy in the Savoy, as to which there was some unfinished arrangement between the Duchy of Lancaster and the Woods and Forests Office. Perhaps the noble Lord could answer the question.

LORD FREDERICK CAVENDISH said, he did not think the point could possibly arise upon this Vote.

Vote agreed to.

MR. ARTHUR O'CONNOR said, it appeared a little unreasonable to proceed with the Votes of the Revenue Department—the heaviest Votes in the whole Estimates—at this hour (5.30),

and when the House was weary with their week's labours. It was hardly fair to expect Members to enter into a discussion on such large and important Votes now; and, therefore, he hoped the noble Lord would consent to report Progress.

LORD FREDERICK CAVENDISH pointed out that due notice had been given of these Votes. It must be borne in mind that after all they had only been at work with the Estimates two hours.

MR. PULESTON reminded the Committee that many Members had met at great inconvenience for the purpose of transacting Business; and he hoped, therefore, that good progress would be made with the Estimates.

MR. ARTHUR O'CONNOR admitted that there was good reason for pressing Supply forward; but it must be remembered that the very men who were now in attendance were the very men whose labours in Parliament had been the most heavy, and the very men who were most in need of the Saturday break. Important questions were involved in the Votes of the Revenue Department; for instance, there were the questions of the out-door officers of the Customs, the grievances of the telegraph clerks, and, no doubt, much discussion would be excited upon the Post Office administration.

MR. CHILDERS suggested that they should take the Customs and Inland Revenue Votes, and report Progress when they came to the Post Office Votes.

REVENUE DEPARTMENTS.

(21.) £757,737, to complete the sum for the Customs.

(22.) £1,553,471, to complete the sum for the Inland Revenue.

(23.) £407,767, to complete the sum for the Post Office Packet Service.

Resolutions to be reported upon *Monday* next.

Committee to sit again upon *Monday* next.

House adjourned at a quarter before Six o'clock till Monday next.

HOUSE OF LORDS.

Monday, 8th August, 1881.

MINUTES.]—PUBLIC BILLS—*First Reading*—Corrupt Practices (Suspension of Elections) * (208); Drainage (Ireland) Provisional Order * (209).

Second Reading—Public Works Loans * (196).

Select Committee—*Report*—Erne Lough and River * (149-206).

Committee—*Report*—Royal University of Ireland * (194).

Report—*Third Reading*—Land Law (Ireland) (204-207).

Third Reading—Removal Terms (Scotland), *now* Removal Terms (Burghe) (Scotland) * (184), and *passed*.

LAND LAW (IRELAND) BILL.

(*The Lord Privy Seal.*)

(NOS. 187, 204.) REPORT.

Amendments *reported* (according to order).

THE MARQUESS OF SALISBURY said, the noble Lord (Lord Dunsany), who was not then present, had an Amendment on the Paper to the effect that—

"The tenant shall not on his holding, without the consent of his landlord, break up any ancient pasture or meadow land."

He wished to know if the Government had any objection to accept that Amendment, because, if not, he would move it?

LORD CARLINGFORD said, the Amendment was quite unnecessary, as the case of waste committed by a tenant was fully dealt with by the existing law.

THE EARL OF COURTTOWN said, he thought the subject a very important one, and he could not see what possible objection the Government had to accepting the Amendment.

LORD O'HAGAN said, the existing law was sufficient to meet the case. There could not be the slightest doubt that an injunction would be adequate protection against waste being committed by a tenant.

THE MARQUESS OF SALISBURY said, that as this was not a question which would be decided by the Commissioners he would not press the Amendment.

LORD HARLEOH could not see why the Government should object to the Amendment.

THE LORD CHANCELLOR said, the objection of the Government was to putting in the Bill particular exceptions when general words answered equally well.

THE EARL OF COURTOWN said, that he had drawn up an Amendment to the clause, for the purpose of enabling the landlord to exercise his rights with regard to wreck and seaweed, &c., on the seashore. The Government had an Amendment on the Paper dealing with the same subject; but he thought the Government proposal did not go far enough. His Amendment was to insert the words "exercising rights to wrecks and royalties," as one of the incidents of tenancy reserved to the landlord.

LORD CARLINGFORD said, that he was going to add words to his Amendment which he hoped would satisfy the noble Earl.

THE EARL OF COURTOWN asked what these words were. He did not like to compromise his position by giving up what he had got for what he did not know.

LORD CARLINGFORD read his Amendment, which reserved to the landlord the right of—

"Passing and re-passing to and from the seashore with or without horses and carriages for exercising any royal franchise belonging to the landlord."

The point, he said, had been carefully considered by the Government, and he thought his words were better than those of the noble Earl. He also intended to improve them by adding the words "right of property or."

LORD STANLEY OF ALDERLEY said, he thought the words of the Lord Privy Seal would best answer the purpose in view. This Amendment was very necessary, as much drift timber had already been lost through the ill-will of the tenants.

THE EARL OF COURTOWN said, that he would not press his Amendment.

Amendment (Lord Carlingford) agreed to.

Clause 5 (Incidents of tenancy subject to statutory conditions).

THE EARL OF LIMERICK moved, in page 7, line 21, to leave out the words "was lawfully entitled to out," and substitute the words "may be entitled to cut."

LORD CARLINGFORD considered the Amendment unnecessary; but, at the same time, saw no great objection to it.

Amendment agreed to.

Clause 8 (Determination by court of rent of present tenancies).

THE EARL OF PEMBROKE moved, in page 11, line 17, to leave out ("made payable,") in order to insert the word ("increased.") He said he had moved this Amendment in Committee, perhaps upon very short notice, and he had been asked to bring it up on the Report. The object of the Amendment was to prevent the tenant from being misled by the words in the Bill as to his position and rights under it. All who had property knew the great likelihood of a man misleading himself as to the value of the improvements he had made by way of set-off against rent or arrears.

LORD CARLINGFORD opposed the Amendment. He said it was conceivable, in some future condition of things, that though the rent might not have been increased it might be inequitable. That might be the case if, quite independent of landlord or tenant, there were a change in the value of property.

THE EARL OF PEMBROKE said, he was at a loss to conceive how the Amendment would oblige the Commissioners to maintain an inequitable rent.

Amendment negatived.

THE DUKE OF ARGYLL asked the Lord Privy Seal whether under the clause it was possible to make an agreement such as that which he quoted the other night, by which the proprietor of landed property in the West of Ireland might make an improvement lease in which the rent was increased a few shillings every year, so that the rent per acre would eventually increase from 1s. an acre to 14s. an acre? He did not know whether it was the intention of the Government to prevent such leases; but he was quite sure that that was the effect of the Bill.

LORD CARLINGFORD said, he was not able to answer the noble Duke's question off-hand. He could not, however, himself see that the question applied to the clause at all.

THE DUKE OF ARGYLL said, he was afraid that the clause would prevent any increase of rent being made upon a tenant in respect of any improvement made

during the 15 years' term. In the case he quoted the other day, a few shillings increase was made by agreement in five or six years. Such cases as this were universally recognized in Ireland, and were extremely beneficial to both parties. Under this Bill it would be impossible to make such agreements.

THE MARQUESS OF LANSDOWNE, agreeing with the noble Duke, said that the landlord might desire to let at a low rent during the first few years in consideration of the tenant making certain improvements, and then to raise the rent to a sum more nearly approximating to the value of the land—would such an arrangement be legal under the Bill or not?

THE EARL OF LONGFORD said, surely noble Lords did not imagine that the Bill was for the improvement of Ireland, because if they did they were very much mistaken. Its result would certainly be to check improvement in the country.

THE DUKE OF ARGYLL suggested to the Government that it would be wise, before the Bill returned to the House from the Commons, to insert some power to the Court to sanction such arrangement as he had mentined.

EARL CAIRNS said, that such an arrangement could be made in a lease sanctioned by the Court for 31 years.

LORD CARLINGFORD agreed that there was no question at all that it could be done.

THE EARL OF REDESDALE (CHAIRMAN OF COMMITTEES) said, it was no use suggesting that anything should be put into the Bill in "another place," because they could only deal with the Amendments made by this House; and if this clause was to be altered it must be done now.

THE DUKE OF ABERCORN, who had the following Amendment on the Paper:—Clause 8, at end of sub-section 8, page 11, insert—

("But nothing herein contained shall prejudice any right heretofore enjoyed by the tenant of any holding subject to the Ulster tenant right custom, or any usage heretofore corresponding with the Ulster tenant right custom,"

said, he intended to withdraw it. The noble Duke pointed out that a great deal of the prosperity of Ulster was due to the good feeling between landlords and tenants, which had been one of the results of the Ulster tenant right custom. He was sure the noble Marquess (the

Marquess of Salisbury), in his Amendment the other night, did not intend to interfere with this custom; and if his Amendment could be shown to have any such tendency, he was convinced the noble Marquess would be ready to make whatever qualifications were necessary.

THE MARQUESS OF SALISBURY: The noble Duke has rightly interpreted my views with respect to this Amendment. I do not intend to interfere with any rights enjoyed under the Ulster Custom, and I before stated decidedly that my Amendment would have no such effect. It simply amounts to this—that it is a notice for the future to all persons purchasing a holding that the amount which they may give for the purchase of that holding will not be held to be a just cause for reducing the rent at the time payable in respect thereto. That cannot affect any past transaction. At the same time, if it should be thought that any modifications are desirable in order to obtain that end, I shall be most willing to accept them.

LORD CARLINGFORD moved, in page 15, after Clause 16, to insert the following clause:—

(Provision as to certain claims of pasturage and turbarry.)

("Where the tenant of a holding by virtue of his tenancy exercises over uninclosed land a right of pasturing or turning out cattle or other animals in common with other persons, or exercises a right of cutting and taking turf in common with other persons (which right is in this section referred to as a common right, and which other persons, together with the tenant, are in this section referred to as commoners), then if such holding becomes subject to a statutory term the Court may, during the continuance of such term, on the application of the landlord, or of any commoner, by order restrain the tenant from exercising his right of pasture or cutting or taking turf in any manner other than that in which it may be proved to the Court that he is, under the circumstances and according to the ordinary usage which has prevailed amongst the commoners, reasonably entitled to exercise the same.")

He moved also to amend the proposed clause by inserting after the word ("commoner") the words ("with the consent of the landlord.")

Amendment agreed to.

Clause, as amended, ordered to stand part of the Bill.

Clause 21 (Provision as to existing leases).

THE EARL OF PEMBROKE moved, in page 17, line 42, to leave out the words

("valued under the Act relating to the valuation of rateable property in Ireland at an annual value of,") and substitute the words ("held at a rent or rents,") the object being to substitute actual rent for rateable value. He remarked that one effect of the change he proposed would undoubtedly be to lower the figure at which tenants were to be allowed to contract themselves out of the Act. Most of their Lordships, he believed, would agree with him in thinking that such a change would be an advantage.

LORD CARLINGFORD said, he was unable to agree to the Amendment. A line drawn by public authority was, for such a purpose as this, much better than one drawn by private individuals in the case of a particular farm. The Government were of opinion that £150 valuation was the lowest figure at which the parties ought to be permitted to contract themselves out of the Bill.

THE MARQUESS OF SALISBURY said, he thought they were not demanding a great deal if they asked that the greatest facilities should be given to the parties to arrange between themselves, in respect to future tenancies, the terms on which farms should be held. The Government were actually jealous of free contract—they loved servitude, and they objected to give the slightest portion of enfranchisement to the Irish landlord and tenant. They seemed to think that the Irish tenant should be treated as a child under paternal Government; but surely it was reasonable to suppose that a man who had risen in the social scale was able to protect himself.

LORD CARLINGFORD said, that if the noble Marquess consulted the Irish farmers he would find that their ideas of what constituted liberty were very different from his. What he called liberty they would call servitude. The Government felt that, in the circumstances of Ireland, the tenant could not safely be left to arrange these matters with his landlord, and that, consequently, it was necessary to protect him.

THE MARQUESS OF SALISBURY pointed out that the question of liberty could arise only in regard to future tenancies. He did not think the Irish farmers, if they rightly understood the case, would accept the noble Lord's strange and re-actionary definition of liberty.

The Earl of Pembroke

THE EARL OF KIMBERLEY said, he understood that the effect of this clause was general, and that in every case where the valuation was over £150 the parties might contract themselves out of the Act.

THE LORD CHANCELLOR said, he had no doubt that the clause as it stood applied to present as well as to future tenancies. It appeared to him that the reasons urged against the Amendment moved in "another place" by a Relative of the noble Marquess (the Marquess of Lansdowne) were equally applicable to the present proposal.

THE MARQUESS OF LANSDOWNE said, the Amendment did not deal with the same case as that dealt with by the Amendment referred to by the noble and learned Lord, and moved in "another place" by Lord Edmond Fitzmaurice. That Amendment was intended to prevent any tenant above the £100 limit from applying to the Court for a judicial rent. If it had been carried every tenant in Ireland above that limit would have been precluded from going to the Court, whether he wished to do so or not. The clause now before the House dealt only with purely voluntary arrangements made with the full consent of both parties. These could, no doubt, as the noble and learned Lord had stated, be made either with present as well as with future tenants; but it was quite clear that in the case of the former, the tenant, unless it were to his advantage, would decline to contract himself out of the Act, and would remain under the protection of the Court. The clause would, therefore, operate to the tenant's disadvantage only in the case of a new letting; and as to this, there was no reason why a free contract should not be made by a farmer rented at over £150. In any case, the Amendment was not *in pari materia* with that mentioned by the noble and learned Lord.

Amendment negatived.

Clause 31 (Emigration).

THE EARL OF CARNARVON moved, in page 26, lines 2 and 3, to substitute the words "family or families" for the words "a sufficient number." The Amendment, if agreed to, would enable the Land Commission, on being satisfied that a family or families in any district desired to emigrate, to take the necessary measures for enabling them to do

so. He objected strongly to the limitations which had been introduced into the Emigration Clause in "another place;" but this was the only Amendment which he should submit to their Lordships. It would, he explained, enable the Land Commission to make the family the unit of their system of emigration.

VISCOUNT MONCK regretted that the clause had ever been introduced, as a grant of £200,000 was so absurdly small that it might as well be struck out altogether. At the same time, he hoped the Government would accede to the very reasonable request of the noble Earl, and allow the Commissioners to deal not only with any State or Colony, or public Company, but also with individuals who could give reasonable security.

THE EARL OF KIMBERLEY said, that the Amendment of the noble Earl could not be accepted by the Government, for it would be inconsistent with the policy of the clause. It was not intended that the Court should go about Ireland and pick up one family here, and another family there, but to relieve the congestion in some particular districts. It seemed to him that if they were merely to relieve individual families, they would be simply putting money into the pockets of these families. With regard to the regrets that had been expressed at the smallness of the sum to be applied to emigration, he had to say that the whole scheme partook of the nature of an experiment; but if it should be found to work well and usefully, it would, no doubt, be made the basis of further experiment and expenditure.

LORD WAVENEY read a communication from Mr. Wilson, saying that there might be difficulty in dealing with immigrant families in Australia; but that individual immigrants of either sex could easily obtain employment. New South Wales had contributed £2,500,000 to the furtherance of emigration, and New Zealand £1,000,000. Those two countries and Canada were careful of the welfare of the emigrants on their arrival. The immigration which they encouraged was, in fact, such as would relieve the existing pressure on the labour market of this country.

LORD EMLY said, he was of opinion that the system of emigration which the

noble Lord had sketched was likely to allure away the very men who might be called the bone and sinew of the land. The sort of emigration that was required was the emigration of families, and that would not be secured to the necessary extent by the Amendment of the noble Earl, which would only lead to a family here and a family there being selected. He regretted that the experiment was not to be tried on a larger scale than was proposed by the Bill, so as to remove from the West Coast of Ireland, from Mayo round to Cork, a large population which were now living in misery and discomfort.

THE MARQUESS OF SALISBURY said, there was a general feeling in all parts of the House that a great deal of the chance of the successful working of the Bill in the direction of relieving congested districts in Ireland had been frustrated by the unfortunate concessions made by the Government in the other House. The futility of the clause in respect to emigration was deeply to be regretted. Every person who had commented on this subject outside of the mere political and Party fight of the day had recognized in the most earnest terms that nothing but a free and efficient system of emigration could be of any real service for Ireland in the long run. He asked whether the clause as now drawn would not be construed as a Parliamentary engagement not to go further in the promotion of emigration at another time—whether the words would not be held by persons with whom the Government had engaged, and with whom they dealt as power with power, that a promise had been made from which they could not recede? He suggested that after the Limitation Clause the words, ("unless Parliament shall otherwise order") should be inserted.

LORD CARLINGFORD pointed out that if the experiment proved successful, and that it was found desirable to go farther, Parliament would not be prevented by anything in the Bill from so doing.

THE MARQUESS OF SALISBURY said, that that being so he did not see what objection could be offered to the words he had suggested. His object was to prevent it being said, with any force in future years, that the Government and Parliament had by the Bill pledged itself not to go further,

THE EARL OF KIMBERLEY said, that this subject had been considered carefully in the other House. The noble Marquess knew the jealousy it had excited. He (the Earl of Kimberley) did not share that jealousy, and would, personally, have been glad to have seen a larger limit; but the proposal was in the nature of an experiment, and if it failed it would come to nothing, while, if it succeeded, there would be the strongest motive to go further.

THE LORD CHANCELLOR said, the words in question were—

“Provided always, that there shall not be expended by virtue of the authority hereby given a greater sum than two hundred thousand pounds.”

Those words did not prevent Parliament sanctioning a larger scheme hereafter if it thought proper to do so.

THE DUKE OF ARGYLL remarked, that he had looked at this clause as simply the beginning of an experiment. He was perfectly satisfied his noble Friend knew there were a great number of the 600,000 families that had been referred to who, for their own good and the good of the country, could be removed. His noble Friend must know that this experiment ought to be tried on a larger scale; but the Government had sacrificed their own opinions on this matter to the state of Parties in the other House. Still, there was this to be said for it, that it gave room for an experiment on a small scale, and, if it succeeded, it might, with the consent of Parliament, be extended. He could not avoid this opportunity of expressing his belief, having some personal knowledge of a similar state of things in the Highlands of Scotland, that with regard to the class of tenants holding farms under £10 valuation, they could not hold their own under the economic conditions of the country, and any measure which gave them a permanent interest in the land was a pure delusion.

Amendment (by leave of the House) withdrawn.

Clause 56 (Definitions).

LORD CARLINGFORD moved, in page 40, line 4, to leave out from (“which”) to the end of the paragraph, and insert—

(“The Land Commission may by order declare fit to be purchased as a separate estate for the purposes of this Act.”)

That would enable the Commission to deal with any portion of an estate as an estate.

LORD EMLY said, that this Amendment would meet some of the greatest difficulties of the case, for the Commission would be able to deal with one or two, or three townlands, as they thought fit. The Amendment would make the clause far more operative than before.

Amendment agreed to.

Clause 57 (Tencancies to which the Act does not apply).

LORD INCHQUIN moved, in subsection 7, the omission from the words (“Any holding let by written contract of tenancy and therein expressed to be so let to the tenant”) of the words from (“by written contract”) to (“expressed to be so let”)—the effect of which would be to exempt such tencancies from the operation of the Bill.

THE EARL OF KIMBERLEY said, the clause was a copy of one in the Act of 1870, which had never been complained of.

THE MARQUESS OF SALISBURY said, the Act of 1870 was a very different measure. It was desirable that in future contracts should be in writing. If the Amendment were agreed to he would propose to add at the end of the subsection—(“Provided that any such letting after the passing of this Act shall be in writing.”)

Amendments agreed to.

Bill to be printed as amended. (No. 207.)

Order of the Day for suspending Standing Order No. XXXV. read.

Moved, “That the said Standing Order be suspended.”—(*The Lord Privy Seal*.)

On question, resolved in the affirmative: Standing Order suspended accordingly.

Moved, “That the Bill be now read 3.”—(*The Lord Privy Seal*.)

THE EARL OF CARNARVON: In rising now at the last stage of this very important measure I wish to trouble your Lordships with a few observations, although I do not wish to renew the discussion that has taken place on the clauses; for the Bill has been brought up to this House so late in the Session that it has been absolutely impossible to

give it that full and careful consideration which such an exceptional, and, I may almost say, a revolutionary measure deserves. The first point which I wish to note is what has fallen from Her Majesty's Ministers. We have had a clear admission from them that this Bill does contain distinctly the principle of the "three F's." Secondly, we have learnt in no doubtful manner the value of pledges, promises, and assurances, given in other places, which almost constituted a bond on the faith of Parliament. Lastly, I hope I may say, without giving offence, I never remember since I have been in the House any great question on which such a feeble defence was offered by Her Majesty's Ministers for such a very sweeping measure. I never remember such an absence of argument in defence of a particular measure. On the other hand, I think the changes that have been made in the Bill constitute, in many respects, great improvements; but I should be wrong if I said that the structure of the Bill has been materially altered; the vicious principles which were in it originally it still contains. This House has been attacked by irresponsible speakers and writers for the alterations which it has ventured to make in a measure which is assumed to be far more popular than it is; but I believe it would have been truer and fairer to say that the moderation of this House, taking the question as a whole, has been singularly illustrated in what it has done. The effect of the changes made has been to make this very reactionary and sweeping legislation somewhat more experimental and tentative than it originally was; and, therefore, I look on the changes made with great satisfaction. The vicious principles to which such great objections have been taken, as much on the other side of the House as on this, remain in the Bill without much alteration. The Bill gives durability of tenure; it appoints a judicial tribunal to settle questions of rent between landlord and tenant; it takes away the landlord's rights without giving him compensation for improvements; and for the first time almost it divorces landlords from their duties and rights in connection with the soil. By the Bill we go as far as we can to establish a pauper-peasant proprietary in Ireland. I might add that it is a triumph

for the Land League, while Ireland is left in the same distracted, convulsed, discreditable condition that it has been in for the last year. If it be so, it is surely not amiss to ask—what is all this for? I should say, judging from the discussions which have taken place, that there are three reasons. The first is some vague idea of preventing landlords in the future from committing any injustice to their tenants; secondly, there is a still more vague and fantastic notion of remedying some of the old injustice perpetrated in ancient times in Ireland; and, thirdly, the main argument and the staple of the eloquent speech of the noble and learned Lord on the Woolsack was that it was hoped to pacify and to content Ireland. I will say a few words upon each of these. In the first place, the hope of preventing landlords from committing injustice on their tenants. My answer to that is that, practically speaking, there is no injustice at present prevailing. By the Prime Minister and by noble Lords, his Colleagues in this House, testimony has been borne to the conduct of Irish landlords on the whole, and the fairness and humanity with which they deal with their tenants. A recent Return, embracing 22 counties, shows that the proportion of evictions which could be fairly brought home to the conduct of the landlords was reduced to something considerably less than 1 per cent. But if you are by legislation to guard against the possible abuse by landlords of their rights or powers, why and how can you limit that legislation to them? I defy you to draw the line between the owners of land and the owners of other property. Or if, indeed, you are prepared to make any such distinction, you will find it very dangerous. I need not tell the House that when you make laws regulating the profits of property, you place yourselves and the Constitution on a very slippery incline; and, more than that, you distinctly prepare Ireland for a very different form of Government from that which it has hitherto enjoyed. If it be true that you think freedom of contract is impossible in Ireland, then you mean that the Irish people are not fit for free institutions, and are not a free people. But when you come to the argument that you propose by legislation in 1881 to remedy the ancient misgovernment and misrule of Ireland, I wonder if anyone can seriously

entertain such a notion. I am perfectly willing to admit that there has been in the past the greatest misgovernment, oppression, and cruelty displayed by England towards Ireland; but, granting that, what does it prove now? For the last 50 or 60 years England has by her Governments and Parliament loyally striven to efface the memory and trace of these ancient wrongs. She has given absolutely equal legislation to Ireland. She has never stinted money, sympathy, help in every way; and I am bound to say, during the last 12 months, Ireland has unhappily repaid her by, to use the words of the Prime Minister, "disabling, dishonouring, and degrading" the House of Commons. Ireland has disabled and dishonoured the House of Commons, and she has paralyzed the action of the Government, when she induced Her Majesty's Ministers to lay such legislation as this on the Table of the House. There is not, therefore, very much value to be attached to that argument. But then comes a contention, and a more important one, which was dwelt upon the other night with much effect and eloquence by the noble and learned Lord on the Woolsack, when he told us that by this legislation you may hope to pacify and content the people of Ireland. What is really the chance of this? When I look back to the history of Ireland I see three influences at work there very plainly. In the first place, in all historical times Ireland has been the greatest difficulty of this country. Spenser, the poet and statesman of the Elizabethan age, opened his view of the state of Ireland by wondering how a country endowed with such gifts of nature and soil should be in such a state of desperate and hopeless disorder. So, too, the late Sir George Cornwall Lewis dwelt on the fact that if there were only 20 bad persons in a barony of Ireland it would be enough to set on fire the whole county, so inflammable are the people. Secondly, I know that just in proportion as the government of Ireland has been according to Irish ideas, so has been the misgovernment and misery of society. And just in proportion as there has been a firm and kindly Government, so has prosperity returned. Every one of those outrages which have been happening in Ireland, which, if they did not justify, yet caused, in a great measure, this legislation, are, down to their minutest details, of ancient date.

The Earl of Carnarvon

They have been occurring for generations past. The only difference has been that in former times you had a strong and effective Government that gave no countenance to this notion of governing Ireland by Irish ideas. And this, with one exception, has been the invariable case in Ireland. That exception was the period when Tyrconnel was in power. Now, unfortunately, a different method has been adopted, and I have very great doubt of the result. When Tyrconnel governed the country according to Irish ideas I need not tell your Lordships that of all the miserable and disgraceful pages of English and Irish history, the page recording his Administration was, perhaps, the worst and most discreditable. But I am free to admit that when you have a very exceptional state of things your remedy must sometimes be exceptional. Great advantages are purchased by great sacrifices; and it is an extravagant price that Her Majesty's Government ask Parliament to pay. My Lords, nature has bound together these two Islands in an unhappy and ill-assorted union. It would have been better had Ireland been 1,000 miles away from the English coast. But this has not been so; and the great qualities which exist on either side of the Channel—qualities which might enrich and make happy both peoples—have been, by unhappy misrule and the malice of demagogues, perverted from a blessing into a curse. If, indeed, this Bill could set straight all the difficulties in the relations between England and Ireland, great as the price we are called on to pay, I should not think it too great. But, so far as I can understand it, the Bill will only aggravate every one of the difficulties and dangers with which we have to deal. I will mention one of these to which little allusion has been made in this House. For the last 40 or 50 years no one point has been more agreed to by men of all opinions than that a great source of mischief and danger to Ireland arises out of what has been called absenteeism. But this Bill makes absenteeism, hitherto occasional, permanent. You cannot expect that any landlord who is henceforward subject to the provisions of this measure will care to retain either his residence or his property in that country if he can avoid it. Who can hope that any improvements will be made by landlords which can

possibly be avoided? If you expropriate the landlords, you at the same time expel capital from Ireland; but there is much more; remember that in all times the landlords have been the mainstay of the English connection. And when you have practically expropriated them, with their improvements, their better machinery, their better cultivation, I ask the House to consider what will be the means of maintaining the connection between England and Ireland, except what Mr. Burke calls "*that triestis et fluctuosa successio*—a miserable series of Coercion Bills and English bayonets?" What better illustration of that than the course adopted by Mr. Parnell and other Members of his Party? You have already got, not to a revaluation or a reduction of rents, but to a cry for no rents at all; and instead of a message of peace you have incendiary proclamations and the shipment of infernal machines. Is there any reason then to hope that when this Bill becomes law it will fulfil the sanguine anticipations of its promoters? I believe there is scarcely a person outside this House—I am sure there is no one inside its walls if I except the occupants of the Treasury Bench—who expects that this Bill will produce the least improvement in Ireland. I ask, therefore, again, how is the Queen's Government to be carried on? I am sure this Bill will do nothing to maintain it; it is a terrible problem, one sufficient to tax the strength of the strongest and the wisdom of the wisest. I venture to think that this House, though it has been called "the House of Landlords," has dealt with this measure with the ability and knowledge which a House composed, in a great measure, of landlords must possess. I believe that this House has had this question long before its mind, and that it has endeavoured to look at it in the broadest and largest point of view. But I am persuaded that the question involved is not merely a change in the relations of landlord and tenant, but the far larger question how, in future, Ireland is to be dealt with. I will not pursue that subject; but I will only say this—that if we turn to the temper of the people, the result is, to my mind, very little more encouraging. We see a forgetfulness of all authority, and the belief that if men will not obey the law, the law must be altered for them. Never

since society began did any good proceed from such a combination as this. But we are in a great difficulty, a difficulty which no man can overlook, and which no sober person can under-estimate. We are on the verge of civil war; and though I deplore the madness of the people and the weakness of the Government, still I think this House has acted wisely in accepting this measure, and in now sending it down to the House of Commons. We accept it as an experiment—a very great experiment. If that experiment should issue in prosperity and peace, in better relations between England and Ireland, and the happiness which flows from a united and contented people, then there will not be one individual in this House who will not rejoice in such a result, whatever his own prophecies and convictions may have been. But, on the other hand, if this Bill becomes with the Irish people the ground for fresh demands, further agitation, and greater friction between Ireland and England; if affairs grow worse instead of better, more irritating, dangerous, serious, then the people of this country, and not this House alone, will have to face the alternative—either a total severance of their relations with England, or a return to the older and more severe method of government.

EARL GRANVILLE: I wish, with the permission of the House, to make a few observations on the speech we have just heard. The noble Earl opposite began his remarks by asking, with an air of innocent wonderment, what this Bill was for. I cannot help thinking that your Lordships, who unanimously passed the second reading of the Bill, have some greater idea of its purpose and contents than the noble Earl. There is another question that I should like to ask. I should like to know what this speech of the noble Earl at this stage of our proceedings is for? I own I am at a loss to understand this, except what I may gather towards my enlightenment from my own personal experience. I lately had a smart attack of gout—which your Lordships kindly took a sympathetic interest in. That attack came out, I am grateful to say. What might have happened if it had been driven in I do not know; but it did come out, however, and now I am here more or less able to stand on my legs. I can only explain my noble Friend's speech

by this. If I have any remark to offer upon my noble Friend's political career, it is that he has generally been in too great a hurry and too impulsive in what he was about. But in this case, whether under compulsion or not, he has evidently delayed a carefully elaborated and prepared speech for the second reading until this, the last stage. What the result would have been if this speech had been entirely driven in, and had not come out at all, I leave your Lordships to imagine. The noble Earl having had the advantage of hearing everything that has been said on the subject in your Lordships' House—an advantage which it has been my misfortune not to have had, though I have carefully read the report of all that has been said—made a great point, indeed, of this—that it was now admitted by Her Majesty's Government that this Bill gave the "three F's." I am not aware that anyone made an admission to that effect. I certainly consider the speech of my noble Friend the Lord Privy Seal, notwithstanding the contemptuous allusion which the noble Earl thought fit to make in regard to every speech in favour of the Bill, was a very admirable statement of the objects and arguments in favour of this Bill. In the course of that speech, my noble Friend said that he himself was not very greatly afraid of the "three F's;" but he particularly stated that the two first F's were in this Bill, and that, although great security was obtained for the tenant, fixity of tenure was not in it. I do not think it would be right to weary your Lordships with a discussion of all the details of the measure. Your Lordships are aware that nearly all the ablest Members of this House have spoken on this subject, and unlike the noble Earl, who is so condemnatory of those who have opposed him, it appears to me that most of those speeches were even above the average ability of the speakers who made them. Some of these speeches were made, I consider, with great severity; others, I think, were made with very great and marked moderation, though in opposition to the Bill. Indeed, it is perfectly obvious that to the great majority of your Lordships the Bill, abstractedly considered, is displeasing; but, influenced by the large, liberal, and statesmanlike views put forward by the noble Marquess opposite (the Marquess of Salisbury),

Earl Granville

your Lordships thought right not to do that which the speech of the noble Earl really went to, if it went to anything at all—the complete rejection of what he termed an inefficient and revolutionary measure. Your Lordships thought it better to give a second reading to a Bill which I have not the slightest doubt you are going to read a third time. It is not for me to criticize the number and the importance of some of the Amendments which your Lordships have introduced into it. Very weighty advice was given to your Lordships not to increase the number of these Amendments; but your Lordships have taken a course which you thought it was your duty and your right to take. The Bill will go down to "another place." It will be carefully considered by Her Majesty's Government what proposals they will have to make to the other House of Parliament on the subject. There will be no feeling of hostility to your Lordships. But your Lordships will feel that when they are told that this is a measure which your Lordships pass somewhat unwillingly, but which, for large and liberal reasons, your Lordships think ought to be passed, leaving the whole responsibility to Her Majesty's Government to carry out the measure; that, in the interests of Ireland, it is of the greatest possible importance that Her Majesty's Government should carefully consider and weigh those Amendments that have been made.

THE EARL OF PORTARLINGTON said, that the country was looking with the greatest hope for the passing of the measure then under the consideration of their Lordships, which, he believed, would do incalculable good. The priests of Ireland had, in many instances, joined the Land League because their people had done so, and that, therefore, they—the priests—feared they would lose their hold over them if they did not also join it. It would be bad, and a hard thing, if the priests lost their hold over the people. The moment the Bill passed the priests would say to their flocks that it was a large, a wise, and a generous measure, and they would make the farmers understand its value and induce them to abandon the Land League. But the Land League was receiving some £90,000 a-year. That was at present a financial success which the League would not like to give up; but that success would eventually wither. He expected

that there would be great contentment, and that the Bill would cut to the very centre and tend to destroy that spirit of unquiet which had so much troubled Ireland during the last few years. While approving of the Emigration Clause, he would suggest to the Government that, in preference to it, they should, by means of a grant, endeavour to more fully develop the fisheries of Ireland, thereby affording employment to a large number of persons; and then there would be no need for emigration.

LORD HOUGHTON and Lord BRABOURNE rose together, and there were loud calls for both. Neither giving way,

THE DUKE OF NORTHUMBERLAND moved that Lord Brabourne be heard.

Motion agreed to.

LORD BRABOURNE said, that as no one in that part of the House had spoken in this debate, and as he had endeavoured to form an independent judgment on the Bill, he was anxious to address a few remarks to their Lordships. He regretted the speech which they had heard from the noble Earl (the Earl of Carnarvon), for as they had agreed to pass the Bill the less they inveighed against it the better. As he understood it, the principle of the measure was the formation of a new Court in Ireland—a Triumvirate—that was to manage the distribution of the property of the country. All he could say was that he hoped that the difficulties which would beset that tribunal would not approximate to the difficulties with which the Triumvirate of Ministers who took care of the Bill in its passage through their Lordships' House had had to contend. Of course, he did not say that the Lord Privy Seal, the Secretary of State for the Colonies, and the noble and learned Lord on the Woolsack had shown no ability in argument; but they were placed in a position of difficulty. Assailed in front by the noble Marquess the Leader of the Opposition, and the noble and learned Earl (Earl Cairns), taken in the rear at the same time by the noble Marquess (the Marquess of Lansdowne) and the noble Duke (the Duke of Argyll), their late Colleagues; and oppressed throughout with the incomprehensibility which seemed inherent to the very nature of this Bill, they had, indeed, deserved the pity of the

House. But, in truth, these noble Lords had an impossible task to perform. They had to show, not only that the same property could at the same time belong to two different persons, but that, without diminishing the total value of that property, it was possible to increase the value of the portion which belonged to one person without any diminution of the value of the portion which belonged to the other. Their difficulty was indeed great, and the chief fear he had was that two years would not elapse before the difficulty of working the Bill would turn out to be so great that it would become absolutely necessary to introduce another measure to explain and amend it. He did not wish to say anything more against the Bill. His principal reason for rising was to state what, as it appeared to him, their Lordships had really done. In five sentences he thought he could tell their Lordships what they had done, and why what they had done ought to be accepted and embodied in the Bill. In the first place, they had determined that property legally purchased and duly paid for should not, to the loss of the purchaser, be handed back to the seller as a free gift by the Legislature. Secondly, they had determined that contracts entered into in strict compliance with the law should not be broken upon the application of one of the parties to such contracts. Thirdly, having constituted a new Court, they had provided that the parties who were to make use of it—namely, the landlords and tenants—should come before it upon something like an equal footing, and that the landlord should not be obliged to increase his rent as a preliminary step to applying to the Court. Fourthly, they had given to the Court some indication—although no express direction—as to the principles upon which it was to proceed, and they had struck out words which had a tendency to confuse. Fifthly, their Lordships had given an appeal from the decisions of this new Court; and, considering that some of the questions which would come before it were questions which had never come before a Court before, upon which there was no strict rule of law to direct and no previous decisions to guide the Court, the refusal of such an appeal would have been nothing but an injustice. He had already seen hard words used against their Lordships generally, and against

the noble Marquess the Leader of the Opposition in particular. He had formed an entirely opposite opinion with regard to the action of the noble Marquess. [*Ironical laughter from the Ministerial Benches.*] He was sorry that noble Lords were incapable of appreciating nobility of action on the part of an opponent. But the moderation which the noble Marquess had shown in deferring his own opinion to the opinion of the large majority of the House of Commons and of the Irish Representatives, the discretion he had shown in only attempting to eliminate from the Bill those provisions which most flagrantly offended against the principles of law, justice, and equity, and the clearness with which he placed the real issues involved in the Bill before the House, entitled him to the thanks of their Lordships and the gratitude of his countrymen. One more thing he (Lord Brabourne) desired to say. His noble Friend the Secretary of State for the Colonies (the Earl of Kimberley) had recently taunted them with being a House of landowners. He (Lord Brabourne) had sometimes read such taunts in the columns of second-rate newspapers, or in the speeches of irresponsible orators upon Provincial platforms. He supposed it was his inexperience of their Lordships' House which caused him to feel great surprise when such a taunt was uttered by a Minister of the Crown. For what did it really mean, if it meant anything at all? A tailor was not held to be disqualified from judging of clothes because he was a tailor—the noble and learned Lord upon the Woolsack was not disqualified for making laws because he was a lawyer; and when it was said or insinuated that because their Lordships were landlords, and consequently knew a great deal about land and its management, they were disqualified for this kind of legislation, what was really meant was that their minds were too much warped and prejudiced to enable them to deal honestly with the question, and this he (Lord Brabourne) believed to be an utterly unjust charge, and one which they would all repudiate. He had only to add that he believed that if Her Majesty's Government fairly considered the Amendments made in the Bill they would find that they greatly improved the measure, and that if they were adopted, and the Bill suffered to pass into law as it left their Lordships'

Lord Brabourne

House, it would be a measure, not, indeed, conspicuous for its fair dealing with all parties concerned, but one which had been brought by their Lordships to bear at least some distant resemblance to an equitable settlement of a difficult question.

LORD HOUGHTON said, that there had been strong representations to them from the Government, showing the painful position in which they were placed during the last few months; and he defied them to say that, in any part of any country of the world, the landlords could have exhibited so much moderation and good humour as the Irish landlords had done in Committee of that House. He did not, like his noble Friend who had just sat down, hold in any special admiration the conduct of the noble Marquess opposite (the Marquess of Salisbury). But it had been characterized by a total absence of anything like violent speeches or altercations. He could not but think that their Lordships had been considerably influenced in their decisions by the circumstance that this Bill had come from the House of Commons almost with universal consent. Why had it been so? It was because the House of Commons contained a very large number of most important Irish landlords, and the bulk of them had been generous and appreciative towards the Bill. The measure would go to Ireland as a message of peace and conciliation from the landed proprietors to the Irish tenantry, and he did not concur with his noble Friend (Lord Brabourne) that within two years it would fail. It was the duty of everyone to give the measure a fair trial; and the Bill, in his opinion, would commend itself to the political feeling of all classes.

LORD ELLENBOROUGH wished to say that he trusted the Bill would not in the future be regarded as a precedent. Having, with a vast number of Peers on his side of the House, foregone his better judgment in consenting to this measure, he regretted that there should be indications that the hope upon which his conduct had been based might not be fulfilled. The hope was that the Bill would produce tranquillity in Ireland; but it had been rendered fainter during the last few days by the remarks that had been made by the agitators who were responsible for the disorder reigning in Ireland.

LORD DENMAN would say "Not Content," to enable him to enter a protest on the Journals of the House against this defective measure. He complained that the constitution of the Court was very limited without the co-operation of Boards of Guardians, and contained no provisions for retiring pensions for the Commissioners, except for the chief, who was made a Judge of the High Court of Justice. At the same time, he sincerely hoped that Ireland would before long enjoy greater happiness than any which ever could be expected from the effects alone of the measure now before their Lordships.

On question, *resolved* in the *affirmative*; Bill read 3^d accordingly, with the Amendments, and *passed* and sent to the Commons.

House adjourned at Seven o'clock,
till To-morrow, a quarter
before Five o'clock.

HOUSE OF COMMONS,

Monday, 8th August, 1881.

MINUTES.]—SUPPLY—considered in Committee
—CIVIL SERVICES, Class IV.—EDUCATION,
SCIENCE, AND ART.

Resolutions [August 6] reported.

WAYS AND MEANS—considered in Committee—
£21,695,712, Consolidated Fund.

PUBLIC BILLS—*Resolution* [August 6] reported
—*Ordered*—*First Reading*—East Indian Rail-
way (Redemption of Annuities)* [244].

Ordered—*First Reading*—Expiring Laws Con-
tinuance* [245].

Second Reading—Patriotic Fund [240]; Solent
Navigation* [207].

Committee—Report—National Debt [236-243];
Indian Loan of 1879* [237].

Third Reading—Conveyancing and Law of
Property* [231], and *passed*.

Withdrawn—Parliamentary Revision (Dublin
County)* [208].

QUESTIONS.

PROTECTION OF PERSON AND PRO-
PERTY (IRELAND) ACT, 1881—MESSRS.
MURPHY AND CAMPION, PRISONERS
UNDER THE ACT.

MR. ARTHUR O'CONNOR asked
the Chief Secretary to the Lord Lieu-

tenant of Ireland, If he will state what
are the grounds on which Messrs. Mur-
phy and Campion of Rathdowney, in
the Queen's County, have been sent to
Naas Gaol?

MR. W. E. FORSTER, in reply, said,
the grounds on which the persons named
in the Question were arrested were that
they had incited other persons to intimi-
date tenants not to fulfil their lawful
contracts by paying their rents.

MR. ARTHUR O'CONNOR asked
the right hon. Gentleman whether he
was aware that both these men empha-
tically denied having directly or indi-
rectly ever sanctioned, or otherwise
assisted in, any proceedings of this
nature?

MR. W. E. FORSTER said, that he
had not exactly that statement before
him.

MR. T. P. O'CONNOR asked the
Chief Secretary to the Lord Lieutenant
of Ireland, Whether it is true that Mrs.
O'Halleron, wife of Mr. Martin O'Hal-
leron, a "suspect" under the Coercion
Act, of Ketullo, Athenry, county Gal-
way, who has a large family to support,
has received no relief since the arrest of
her husband in March last, except ten
shillings that was granted her about
three weeks ago; and, whether the
Loughrea Board of Guardians was pre-
vented from receiving the grant by the
refusal of the chairman to put a motion
on the subject to the meeting?

MR. W. E. FORSTER, in reply, said,
it was true that Mrs. O'Halleron had
received 10s., and no more than 10s.,
out-door relief, which was granted on the
9th ultimo. On the 23rd ultimo the
presiding Chairman refused to allow the
question of further relief to the family
to be put to a meeting of the Guardians.
The case was, however, investigated,
and it was decided at a subsequent
meeting to refuse relief to Mrs. O'Hal-
leron, on the ground that she possessed
six acres well cropped, a cow, and a
heifer. He would also refer the hon.
Member to the 3rd section of the Relief
of Distress Act, 1880, under which
statute, as the hon. Member was doubt-
less aware, matters of this kind were
left to the decision of the Guardians.

MR. HEALY asked whether the right
hon. Gentleman would cause inquiry to
be made into this matter, as to whether
there was no prejudice against this
woman on account of her husband's act;

and if he would send down an order that relief should be granted?

MR. W. E. FORSTER said, he thought there was nothing to warrant any further inquiry. The Chairman of the Guardians had at first refused to authorize a discussion through a misapprehension of the law. At the next meeting a majority of the Guardians decided against giving the relief, and, for all he knew, it might have been a unanimous decision. There could have been no *animus* in the matter.

SPAIN—THE ZAMORA WATERWORKS.

MR. J. R. YORKE asked the Under Secretary of State for Foreign Affairs, If Her Majesty's Government have received any communication from the Spanish Government as to the persistent refusal of the local authorities to carry out the repeated sentences of the Spanish Courts on the subject of the Zamora Waterworks; and, what steps Her Majesty's Government propose to take in face of this continued denial of justice?

SIR CHARLES W. DILKE: Sir, this matter has, from time to time, been urgently pressed upon the Spanish Government by Her Majesty's Representative at Madrid; and on the receipt in April last of a letter from the agents of the Company in England, from which it appeared that their client's claim was still unsettled, Mr. West was again instructed to press the Spanish Government to take immediate measures for its settlement. The result of this representation was that on the 13th of June last Mr. West received a Note from the Spanish Minister for Foreign Affairs stating that positive orders had been sent to the Civil Governor of Zamora to carry out the Royal order for compelling the Municipality to pay the sum due to the Company, and that unless this order were complied with the severest measures would be adopted against the Corporation.

ARMY—PENSIONERS OF THE ROYAL MARINES.

SIR H. DRUMMOND WOLFF asked the Under Secretary of State for War, Whether pensioners from the Royal Marines serving on the Militia Staff will be placed on the same footing at their final retirement from the Ser-

vice as Pensioners from the Regular Army?

MR. CHILDERS: Sir, in reply to the hon. Gentleman, I have to state that the Question which he has raised was considered and decided in the negative by my Predecessor on an application by the hon. Member for North Shropshire (Mr. Stanley Leighton) in 1879. I will communicate with the Admiralty on the subject; but I cannot hold out much hope of so recent a decision being altered.

PARKS (METROPOLIS)—PADDINGTON PARK.

SIR THOMAS CHAMBERS asked the Secretary to the Board of Trade, Whether, looking at the great importance of preserving the land forming part of the Paddington Estate, and at present unbuilt on, as a Park for the people, the Ecclesiastical Commissioners will for a reasonable time withhold their consent to any operations which may lead to the erection of buildings on the land and thus to the prevention of any possibility of its preservation as an open space; and give such other facilities for the carrying out of the project in the way of the price of the land and otherwise as may be in their power?

MR. EVELYN ASHLEY: Sir, everybody must approve the object which the Committee over which the hon. and learned Gentleman the Recorder presides has in view—namely, securing a public park for Paddington; and although I have been unable, owing to their dispersion for the Recess, to communicate with my Colleagues since this Question appeared on the Paper, I feel sure, from my knowledge of their sentiments, that, assuming the pecuniary interests of which they are guardians to be duly protected, they would be most desirous to give all proper facilities for attaining it. The Ecclesiastical Commissioners have already informed the Paddington Park Committee of their readiness to part with their interest in the land on certain named terms per acre; and I feel sure that if an agreement, whether conditional on the money being raised within a specified time or otherwise, be come to on behalf of the Paddington Park Committee, the Commissioners would be quite ready to afford a reasonable time for carrying out any proposed arrangement.

UNITED STATES—CONSULAR CONVENTION.

MR. GOURLEY asked the Secretary to the Board of Trade, What progress he has made towards completing a Consular Convention with the United States?

MR. EVELYN ASHLEY, in reply, said, his hon. Friend was doubtless aware that this question had been for the last seven or eight years sleeping; but Her Majesty's Government were, at the present moment, engaged in waking it. They had taken the initial step of asking the Foreign Office to do something in the matter. He was sanguine that during the Recess they would be able to report a successful issue.

MR. GOURLEY: Will my hon. Friend place the Correspondence on the Table of the House so far as it has gone?

MR. EVELYN ASHLEY: There is no Correspondence with the Foreign Office on the subject.

ARMY (AUXILIARY FORCES)—MILITIA UNIFORMS.

MR. ROUND asked the Secretary of State for War, Whether Field Officers of Rifle Regiments of Militia, who have retired with permission to wear their uniform, may continue to wear such uniform, although their Regiment is to be changed into an ordinary Regiment?

MR. CHILDERS: Yes, Sir.

EDUCATION DEPARTMENT—TECHNICAL EDUCATION—THE REPORT.

MR. ANDERSON asked the Vice President of the Council, If Professor Leone Levi has sent in a Report on Technical Education in Italy and elsewhere, and what course is to be taken with it?

MR. MUNDELLA: Yes, Sir; Professor Leone Levi has made a very elaborate Report upon the state of technical education in Italy and elsewhere. He has spent three months of this year abroad, and I purpose to refer the Report to the Royal Commission which is about to be appointed.

LAW AND JUSTICE—THE MAGISTRACY—MR. R. P. LAURIE.

MR. PEMBERTON asked Mr. Attorney General, Whether he has any ob-

jection to lay upon the Table of the House a Copy of the Correspondence between the Lord Chancellor and R. P. Laurie, Esq. late Member of this House for the City of Canterbury, with reference to the removal of that gentleman from the Commission of the Peace for the county of Kent?

THE ATTORNEY GENERAL (Sir HENRY JAMES), in reply, said, he understood that the Lord Chancellor had no objection to the production of the documents referred to in the Question; but he put it to the hon. Member whether it would be justifiable to incur the large expense that would be incurred in the publication of them as a Parliamentary Paper.

FIRES (METROPOLIS).

MR. FIRTH asked the Secretary of State for the Home Department, Whether his attention has been called to the fact that on July 21st a fire broke out in Ladbroke Grove Road, Notting Hill, but that no water could be obtained from the Water Company's main; whether it is the fact that in case of a London fire it is necessary to invoke five separate authorities having no unity of action:—1. The Police, controlled by the Home Secretary; 2. The Water Companies; 3. The Salvage Corps, controlled by the Insurance Companies; 4. The Fire Brigade, controlled by the Metropolitan Board of Works; and 5. The Streets, controlled by the Vestries; and, if he will consider whether these authorities might not be amalgamated for the purpose of fire extinction?

SIR WILLIAM HARCOURT, in reply, said, he had seen a report on the subject, from which it appeared, not that there was a scarcity of water, but that it was not at high pressure, owing to an accident to the main. With reference to the second part of the Question, he had to say that the police were not directly concerned in extinguishing fires, having merely to keep order; that the Salvage Corps was employed in the private interest of the Insurance Companies; while the Vestries were not concerned at all. When the question came to be determined on whom the duty of supplying water to the Metropolis should devolve, it would certainly become necessary to consider whether the Fire Brigade should not also be placed

under the same control as the water service.

**METROPOLITAN VESTRY ACCOUNTS—
THE PADDINGTON VESTRY.**

MR. FIRTH asked the President of the Local Government Board, Whether he is aware that the Auditors of Paddington Vestry have entered on the account books of such vestry a statement to the effect that, having in view the statement made by the President of the Local Government Board to the effect that no method exists for enforcing a surcharge of Metropolitan Vestry Accounts, they regard the examination of the parochial accounts of the parish of Paddington as useless; whether he is aware that such accounts contain heavy charges for refreshments which ought to be surcharged; and, whether it is proposed to leave the London Vestries to expend ratepayers' money in any manner and for any purpose they think fit, or what remedy he intends to apply to this state of things?

MR. DODSON: Sir, I have received a communication from the auditors of the Paddington Vestry that they have appended to the accounts of the Vestry a statement that, under the existing condition of the law, the examination by them of the parochial accounts is practically of no effect, as the Act gives them no power to enforce payment of the surcharges. I have, however, no information from the auditors whether or not such accounts contain charges for refreshments; but I perceive from a newspaper extract that in the accounts for the year ended the 25th of March, 1880, the auditors disallowed £57 15s. 6d. for refreshment, of which £26 appears to have been for the erection of a tent in which a dinner was given at the opening of a slop tank. If such expenditure had appeared in the accounts which are audited by the auditor of the Local Government Board, he would have had power, not only to surcharge these illegal payments, but to recover the amount summarily from the persons by whom they were authorized. Unfortunately for the ratepayers, the auditors, under the Metropolis Management Act, have no such power; but the question as to how the present defect in the law should be remedied is rather for the consideration of my right hon. and learned Friend the Secretary of State for the

Home Department, as I have no jurisdiction under the Metropolis Management Act.

POST OFFICE—TELEGRAPH CLERKS.

MR. JUSTIN M'CARTHY (for Mr. PARNELL) asked the Postmaster General, Whether his attention has been drawn to a meeting of the Cork telegraph clerks, held on Saturday the 2nd July, the object of which was to act in conjunction with the clerks at the various offices throughout the United Kingdom; whether the postmaster of the Cork office, upon seeing a report of the proceedings of the meeting in the Cork papers on Monday the 4th instant, gave instructions that any clerk who had taken a prominent part in the meeting should not be engaged in the performance of special or relief duties, which involve extra pay; and, whether it is with his sanction that these instructions have been issued?

MR. FAWCETT, in reply, said, his attention had not been called to this matter previously; but he had made careful inquiry, and was convinced that no such instructions as those mentioned in the Question were issued or acted upon.

STATE OF IRELAND—THE MAGISTRACY

—MR. A. E. HERBERT, J.P.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the language of Mr. A. E. Herbert, J.P. in the following Report from the "Kerry Sentinel," of 28th July, in the case of persons charged at Brosna Petty Sessions with attacking a bailiff. Constable Carroll deposed:—

"That, on account of the attitude of the people, they went back to one of the houses, escorted by the police, and took down one of the writs which he had posted.

"Mr. Herbert—And no stones thrown?

"Witness—No stones thrown.

"Mr. Herbert—I may tell you if I was there I'd know what to do.

"One of the defendants cross-examined Constable Carroll, who admitted that he and men were supplied with plenty of new milk by the people on whom the writs were served.

"Mr. Herbert—I think the police on that day were like a flock without a shepherd; I think they were all the time drinking milk from this riotous and terrible mob. I always speak for myself, and that is my opinion of the Royal Irish Constabulary on that day. Drinking new milk from this riotous and disorderly mob;"

Sir William Harcourt

whether, in a cross case against the police, Mary Cahill and Ellen Cahill were examined, and deposed that, when the police fixed swords protecting the bailiff, Constable Carroll stabbed the complainant in the thigh; whether Mr. Herbert dismissed the case with the remark that

"He was sorry the police acted with so much forbearance. If he himself was there he would order the mob to be 'skivered,' and he would have buckshot used on them. There would be no peace in the Country until such people were 'skivered';"

whether such language was used; and, if so, whether he has made any representations to the Lord Chancellor on the subject, or has taken any action in regard to it?

MR. W. E. FORSTER: Sir, I have seen the report in the newspaper to which the hon. Member refers; but I have no means of verifying it. The whole of the cases in which Irish magistrates are concerned are under the consideration of the Lord Chancellor, and I have communicated with my noble and learned Friend upon the matter.

MR. HEALY wished to know if there was any proper authority in the House to which hon. Members could appeal in reference to the conduct of magistrates?

MR. W. E. FORSTER: The Lord Chancellor is the official whose business it is to consider these questions; and if, after allowing sufficient time to elapse, the hon. Member will ask me what the Lord Chancellor has done in this case, I will tell him.

MR. HEALY said, he would ask the Question on Friday. He also wished to know if this same magistrate was arrested some time since for drunkenness and disorderly conduct at Farranfore?

MR. W. E. FORSTER: It is only justice to Mr. Herbert to state that I never heard of that charge being brought against him.

WATER SUPPLY (METROPOLIS)— THE GRAND JUNCTION WATER COMPANY.

SIR HENRY HOLLAND asked the President of the Local Government Board, If he has received Colonel Bolton's Report on the Grand Junction Water Company; and, whether he will lay a Copy of it upon the Table?

MR. DODSON, in reply, said, that he had only just received the Report re-

ferred to, and had not had time to examine it. As far as he was aware, there was no objection to laying a copy of it upon the Table; but he must consider the matter before he gave any undertaking on the subject.

SMALL-POX (METROPOLIS)—HOSPITAL SHIPS ON THE RIVER THAMES.

BARON HENRY DE WORMS asked the President of the Local Government Board, Whether it is a fact that the smallpox hospital ships now moored off Greenwich are so close to the shore that there is great danger of their causing the epidemic to spread to the adjoining districts; that before they were placed in their present positions, thereby greatly impeding the free use and value of the wharves in front of which they are moored, no notice was given to the owners of those wharves; and that, owing to the serious inconvenience caused by the presence of these ships to the free navigation of the River Thames, the Thames Conservancy Board and the Metropolitan District Asylum Board of Managers were and are in favour of their being moored lower down the river; if so, whether any steps are to be taken to remove these vessels from their present positions, and thus to obviate the danger of the epidemic spreading among the numerous workmen employed in the various shipbuilding and other yards abutting on the shore?

MR. DODSON: Sir, I cannot admit that it is a fact that these ships are so close to the shore that there is great danger of their spreading small-pox to the adjoining districts; in fact, I was distinctly advised by one of the Medical Inspectors, who has had great experience in these epidemics, that no such danger need be apprehended. No direct notice was given to the owners of the wharves in front of which the ships were moored; but the preparations for their removal were publicly known for some time before the ships were placed there, and no objections were made against the course proposed. I am not aware of any serious inconvenience to the navigation; and, so far from the Thames Conservancy Board objecting to the position, the spot was adopted on their suggestion. The Metropolitan Asylum Managers did propose to place the ships much lower down the river,

but not for the reason suggested. I was, however, advised that acute cases could not without serious risk and danger be removed to such a distance; and, therefore, the ships were moored off Greenwich, close by the spot where the *Dreadnought* hospital ship lay on a previous occasion, and, as far as we are aware, without any ill effect. With respect to the removal of the vessels, it is only intended that they shall remain there during the pressure of the present epidemic.

BARON HENRY DE WORMS asked whether the right hon. Gentleman would state the distance which the ships were from the shore, and whether he was aware that the sewage passed into the river there?

MR. DODSON: Not having measured it, I should not like to say what the distance is; but I have been on board the ships myself.

MALTA—PETITION FOR REFORMS.

MR. ANDERSON asked the Under Secretary of State for the Colonies, If the Colonial Office has had before it the Petition presented by him to this House, from the Committee of Inhabitants of Malta; and, whether Her Majesty's Government means to grant its prayer, or to concede to the Maltese any of those reforms recommended by Mr. Rowsell and Sir Penrose Julyan, and some of which were about to be conceded by the late Government?

MR. COURTNEY: Sir, a copy of the Petition has been obtained and is under consideration, as well as a Memorial transmitted to the Secretary of State; but it is not possible to state at present the answer which will be returned. The administrative changes recommended by Sir Penrose Julyan have been in considerable part already carried out.

LANDLORD AND TENANT (IRELAND) ACT, 1870—THE ROYAL COMMISSION —THE REPORT AND EVIDENCE.

SIR WILLIAM PALLISER asked the First Lord of the Treasury, By whose authority and direction it was that the dates were expunged from all the rebutting statements which were sent in writing by the Irish Landlords to the Bessborough Commission, and which had been inadvertently stated and incorrectly supposed to have been printed

in Appendix O when the Report was signed, and what was the object sought to be attained by expunging the dates in question?

MR. GLADSTONE: I have no means of giving an answer officially to the Question of the hon. Gentleman, nor do I think it very desirable that the Government should institute an examination into the matter. I would rather recommend the hon. Member to communicate with the officers of the Commission, who, I have no doubt, will give him the most accurate account of the matter. At the same time, if the hon. Member wishes, the Government will ask for the information he requires.

ARMY—VOTE OF THANKS—SIR EVELYN WOOD.

MR. BROADHURST asked the First Lord of the Treasury, Whether, having regard to the fact that Parliament have from time to time passed Votes of Thanks to Generals of the Army for successful triumphs in War, he will propose a Vote of Thanks to General Sir Evelyn Wood for the distinguished services which he has recently rendered to this Country in South Africa by peaceful means?

MR. GLADSTONE: Sir, in answer to this Question, I must say that General Sir Evelyn Wood is not the only person who has rendered service, and excellent service, to the Crown and the country in South Africa; but the time has not yet arrived when we can regard the important transactions in which they have been engaged as being altogether concluded; and, therefore, the time has not yet arrived for considering any such matter as that indicated by the hon. Member's Question. I ought also to say, as my hon. Friend probably knows, that the Votes of this House, although not absolutely limited to military services, yet are by precedent in every case limited to military service or to auxiliary services in connection with military service. But, as the hon. Member has referred to the name of Sir Evelyn Wood in particular, I think that it is only right that I should state that Her Majesty's Government have the highest sense of the zeal, the ability, the judgment, and the tact, as well as right feeling with which Sir Evelyn Wood has conducted the matters intrusted to his control in circumstances of very great difficulty indeed.

STATE OF IRELAND—RELEASE OF
MR. JOHN DILLON, M.P.

MR. HOPWOOD asked the Chief Secretary for Ireland, Whether the announcement made in the morning papers that Mr. John Dillon had been released from Kilmainham Gaol was correct?

MR. PULESTON said, that before the right hon. Gentleman answered the Question, he wished to ask him whether Mr. Dillon had been released unconditionally, or whether he had been obliged to sign some conditions?

MR. W. E. FORSTER: Yes, Sir; it is true that Mr. Dillon has been released from Kilmainham, and I suppose the House would wish me to give the grounds of that release. A letter was sent yesterday to the Governor of Kilmainham, in the following terms:—

"I am directed by the Lord Lieutenant to inform you that a representation having been made to his Excellency that Mr. John Dillon's life would be endangered by further confinement, his Excellency has been pleased to order his release. Therefore, upon the receipt of this letter, discharge Mr. Dillon, and give him a copy of this letter."

That letter was written for this reason—On Thursday last I received a Report from Dr. Carte, the medical officer of the prison, stating that he believed Mr. Dillon's life would be endangered by further confinement. I was surprised to get that letter, because, although the health of Mr. Dillon is not strong, the last information I received was from the Inspector of the prison, Mr. Barlow, who, on the 8th of July, reported that he had seen Mr. Dillon, who told him that he was well, and that he did not think his health had suffered since he entered the prison. Mr. Barlow said that Mr. Dillon seemed to him to be very delicate, but did not appear to be more so than when he first saw him in prison three months ago. On receiving that Report, I telegraphed at once to two independent medical gentlemen, of undoubted standing, to go down to Kilmainham and, after consultation with Dr. Carte, to make a Report. They saw Mr. Dillon; but he politely, but firmly, refused to allow himself to be examined. After consulting with Dr. Carte, and after seeing his Report and obtaining all the information they could, they saw the Report of Dr. Kenny, Mr. Dillon's private medical

officer, which entirely confirmed Dr. Carte's statement that life would be endangered by further confinement. That being the case, I thought, and my Colleagues agreed with me, that our duty was to do what we should have done with any other prisoner under the circumstances—order his immediate discharge. We did not think it a case in which we ought to make that discharge dependent on the signing of any conditions.

MR. HEALY: Does the doctor say that his life has been endangered through the confinement he has undergone?

MR. W. E. FORSTER: I have given the exact statement I received, and it was the first intimation I had. The doctors would have been failing in their duty if they had not informed us of the facts.

LAW AND POLICE—DEATHS FROM
DROWNING.

MR. GOURLEY asked the President of the Board of Trade, If he has seen the Return of Loss of Life issued at the instance of the honourable Member for Manchester, showing the number of deaths from drowning in mercantile and non-mercantile waters of the United Kingdom to have been in 1879, 3,690 lives; if this includes the loss of life from sea-coast bathing, if not, if he can state what this was for the same year; and, if he can state what measures he intends adopting for the purpose of compelling local inland and sea-coast authorities at all public bathing places to provide boats, life-buoys, and watchmen during the bathing season?

MR. DODSON: Sir, the Return does not, as I believe, include the loss of life from sea-coast bathing; and there is not, as far I can ascertain, any information collected to show the extent of loss for the year to which the Return refers. At present there is no power to compel local inland and sea-coast authorities to provide boats, life-buoys, and watchmen during the bathing or any other season. These authorities can make bye-laws, subject to the approval of the Local Government Board, with respect to public bathing and the regulation of bathing machines; but they are not authorized to make any provision of this kind from the local rates, or to require that the proprietors of the bathing machines shall do so. This defect has been brought

under the notice of the Board, who contemplate dealing with the matter whenever a suitable opportunity offers for amending the law.

AFGHANISTAN—CANDAHAR.

LORD GEORGE HAMILTON asked the Secretary of State for India, Whether he had seen the telegram from Lahore in *The Times* of the 6th instant, in which the Correspondent of that journal, after stating that the Ameer's Envoy passed through Lahore on his way to Simla, went on to say—

"I am assured that he comes at the suggestion of the Viceroy, and bears a message in which the Ameer reminds the Viceroy that he had earnestly and repeatedly begged the Government to hold Candahar for one year, in order to enable the Ameer to make his position secure. It is clear from the Envoy's account that the Ameer began to lose heart at hearing of the news of the evacuation of Candahar;"

and whether he was in a position to contradict the truth of these assertions?

THE MARQUESS OF HARTINGTON: I have not received from the Government of India any information respecting the position of the Envoy from Cabul to Simla. I am, therefore, unable to say what message he may have been charged to deliver, or what statement he may have made. But I have referred to the Correspondence which has passed between the Ameer and the Government of India, and it certainly is not the case that the Ameer had earnestly and repeatedly asked the Government to hold Candahar for one year, in order to enable him to make his position secure.

SIR HENRY TYLER: Was a request ever made to that effect?

THE MARQUESS OF HARTINGTON: No, Sir; nothing of the kind.

PARLIAMENTARY OATH (MR. BRADLAUGH.)

MR. LABOUCHERE wished to ask the Prime Minister a Question with regard to the position of Mr. Bradlaugh. For himself, he might explain that he had a Resolution on going into Committee of Supply, which practically was to rescind the Resolution come to in April last. He believed that that Resolution precluded Mr. Bradlaugh from taking the Oath, together with a subsequent Resolution passed precluding Mr. Bradlaugh from coming within this House, were both Sessional Orders, and

that they would lapse at the end of this Session. The result, of course, would be that at the commencement of next Session Mr. Bradlaugh would present himself at the Table of the House and endeavour to take the Oath and his seat, as he believed he had a right to do. Now, what he would ask was this—whether, when Mr. Bradlaugh took that course, he might hope that he would be supported by the Government, in what he believed, and some in this House believed, to be his Constitutional rights? In that case, as it was near the close of the Session, and he had no wish to inconvenience hon. Gentlemen opposite—for it was quite possible his Motion might inconvenience them, as they did not know when it might be brought on—he would withdraw his Motion and leave the matter in the hands of Her Majesty's Government for next Session.

MR. GLADSTONE: Sir, I understand from my hon. Friend two things—that he has investigated the matter, and ascertained that the Resolution which forbids Mr. Bradlaugh taking the Oath at the Table—I do not mean the Resolution debarring him from access—is a Sessional Resolution which expires with the Session. I understand, that being so, it is possible, according to my hon. Friend's view, that Mr. Bradlaugh may again present himself and claim to take the Oath at the commencement of next Session. I take these two propositions simply as given by my hon. Friend, and I assume them to be correct. If he should so present himself, and so claim to take the Oath, and should opposition thereupon arise, undoubtedly Her Majesty's Government would deem it their duty to consider the question with a view to the termination of the controversy.

MR. GIBSON asked the Speaker whether it was the fact that the Order forbidding Mr. Bradlaugh to take the Oath did expire at the end of the Session, and would require to be renewed at the beginning of the next?

MR. SPEAKER: I understand the right hon. and learned Member to refer to the Resolution of 10th May. That is not a Standing Order, and would terminate at the end of the Session.

MR. MACFARLANE asked the right hon. Gentleman in the Chair whether the Resolution of the 20th of April, which precluded Mr. Bradlaugh from

taking the Oath, would lapse at the end of the Session?

MR. SPEAKER: The Resolution to which the hon. Gentleman refers was not made a Standing Order, and therefore would expire with the Session.

MR. T. P. O'CONNOR asked the Prime Minister, in reference to the answer he had given to the hon. Member for Northampton (Mr. Labouchere), whether, when he brought in a measure dealing with Mr. Bradlaugh, he would take means to secure the attendance and the vote in its favour of the Liberal Members of the Liberal majority by whose defection Mr. Bradlaugh had been excluded?

MR. GLADSTONE: Sir, I do not know if I have gone too far in answering the Question of my hon. Friend (Mr. Labouchere); but I did it simply on the ground that everyone must feel desirous, at a time when we are beginning to hope we may very soon disperse, to know whether they are likely to be called upon again to vote on a subject of Mr. Bradlaugh during the present Session. But as the Question of the hon. Member for Galway (Mr. T. P. O'Connor) has a reference to a future Session, and a contingency only supposed to arise then, I hope he will kindly exercise his patience until the future Session arrives.

MR. PULESTON asked the hon. Member for Northampton whether, after the statement of the Prime Minister, he would go on with his Resolution?

MR. LABOUCHERE: Certainly not, Sir.

PARLIAMENT—PUBLIC BUSINESS.

MR. W. H. SMITH asked the Prime Minister if he could give the House any information respecting the course of Public Business, and specially the Navy Estimates?

MR. ARTHUR O'CONNOR asked if it was intended to take the Irish Votes in Class IV. to-night?

LORD FREDERICK CAVENDISH: It is our intention to take the whole of Class IV., including the Irish Votes.

MR. GLADSTONE: I think it is already understood—and what has happened since I last spoke on the subject would rather sustain and confirm the impression—that the proceedings in the House of Lords may terminate to-night with respect to the Irish Land Bill, and,

therefore, that we shall be in a position to consider the question of the Lords' Amendments to-morrow as the first and principal Business for Tuesday evening. How long they will take I do not know; but we shall propose to proceed with the Navy Estimates immediately after the conclusion of the question of the Lords' Amendments.

MR. HEALY asked if it was impossible to get the Lords' Amendments that night, so as to give time to consider them prior to the meeting of the House on Tuesday? He presumed there would be no Morning Sitting.

MR. GLADSTONE: The Lords' Amendments, I understand, will be in the hands of Members to-morrow morning. There will be no Morning Sitting. I do not entertain any doubt that any Member can, as a matter of courtesy, obtain a copy of the Lords' last print of the Bill; but we have no power to make an order requiring copies of that print to be furnished to Members of the House of Commons generally.

ORDERS OF THE DAY.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

EDUCATION DEPARTMENT—THE REVISED CODE.

DEPARTMENTAL STATEMENT.

MR. MUNDELLA rose to make his Statement on the Education Vote.

MR. J. COWEN rose to Order. He wished to know whether, after the right hon. Gentleman had made his Statement on going into Committee of Supply, any other hon. Member could speak on the Motion on going into Committee of Supply?

MR. SPEAKER: It will be open for any hon. Member to speak on the Motion that the Speaker do leave the Chair.

MR. MUNDELLA: Sir, I beg to thank the House for allowing me to make my Statement with the Speaker in the Chair. My reason for asking this favour of the House is two-fold. Not for the sake of the Estimates which I am

able to submit to the House, and which I should be quite prepared to submit in the usual way. But it will be in the recollection of the House that in the other House of Parliament, when the Code under which the conditions of the grant for education are made was carried, a distinct pledge was given to both this and the other House of Parliament that before the close of this Session we would submit proposals for the reform of the Code, and it is upon that ground, before going into Committee of Supply, that I shall make a double Statement—the one relating to the ordinary business of the past year, and the proposed financial statement for the coming year, and the principles on which we propose to revise the Code. All that relates to the expenditure of the past year I shall endeavour to condense into as short a space as possible, in order not to trespass upon the time of the House. The expenditure in 1880 was as follows:—The sum granted was £2,535,967, and the expenditure £2,525,769, the result being a saving of £10,308 upon the Estimates. The charge for annual grants, which was estimated at £2,217,348, reached £2,213,673, an increase of £120,231 on the previous year, the details of which are as follows:—The estimate of average attendance was 2,800,480 children, and the actual average was 2,814,000; the estimated grant was 15s. 8d., and the grant really made was 15s. 7½d. The estimate for the evening schools for the average attendance was 52,530 children and an estimate of 9s., and the result was 41,500 at 8s. 6½d., a falling off in numbers of 11,000, and in the grant of 5d. in the year. Now, Sir, I come to the Estimates that the House will be asked to vote to-night for the current year 1881-2. The sum required this year is £2,683,958, as compared with £2,535,967 granted in 1880-1. This is an increase of £147,991, and it produces a difference of £93,000 increase on the Estimates of 1880-1. Although at first sight this difference will appear to be considerable, it will be understood that the increase in the expenditure was really an over-estimated expenditure in the year 1879-80. The increase on the Vote for 1880-1 would have stood £140,000, instead of £55,000 on the Estimates; therefore, the increase on the Estimates 1881-2 is £144,794, and it is a little more than an increase in the last year, which was really £140,000. The increase on the com-

ing year 1881-2 occurs almost entirely under the head of annual grants. The amount of the Votes is £2,362,142, an increase of £144,794 for the grant. It will be necessary that I shall show the House the expenditure for annual grants, and the comparison of this special head for the past three years shows that the increase asked for is not an extensive one. The annual grant made to the elementary schools in 1878-9 was £1,961,000, or an increase of £267,000 on the preceding year. In 1879-80 it was £2,093,000, or an increase of £132,000; in 1880-1, £2,213,000, or an increase of £120,000; and in 1881-2 it is £2,362,000, or an increase of £144,794. It will be noticed by the figures set forth that there is a very large increase in 1878-9, and that was occasioned by the passing of the Act of 1876, which only came into practical operation in 1878-9. Amongst the other items, there is an increase of £7,670 for expenditure this year, caused by the addition of six Inspectors and nine Inspectors' Assistants, and by the usual number of Inspectors being entitled to the increment. The Inspectors were appointed after the details of the Estimates had been made for last year, and they come into the present year. There is only one more item in reference to the expenditure that I ought to trouble the House with, and that is the building grant on the Act of 1870 for £670, and it is the last year of that grant. I now invite the House to consider the real educational progress of the past year. I may say, before going into that part of the question, that there is no new or striking feature in the course of the year. There have been no new forces brought into operation during the year; we have been working steadily and quietly under the Acts of 1870 and 1876, and, as the Act of 1880 as to general compulsion did not come into operation until the 1st of January this year, the statement of progress that I have to make is the more gratifying, because the same steady, continuous, and unbroken progress of education has been going on since the passing of the Act of 1870. The principal features which I have to mention are as follows:—Accommodation is now afforded 4,240,000 children, showing an increase of 98,000 school places during the year; the scholars on the register, 3,895,000, showing a remarkable increase of 185,000;

Mr. Mundella

scholars in average attendance, 2,751,000, being an increase in attendance of 156,000 for the previous year; the scholars individually examined, 1,904,000, being an increase of 144,000 in one year. The percentage of passing in the three R.'s, which is one of the real tests of the work done, is 81.2 as against 80.4 last year. They have now touched the highest point they have ever reached in the history of the Department. The proportion of scholars examined in Standard IV. and upwards, which is very interesting to several Members, and my hon. Friend the Member for Wolverhampton (Mr. H. H. Fowler), who, I am glad to see in his usual place, is 24.61 as against 22.1 of last year—a very large amount indeed. We do not bring the children up to the higher standard; we are doing very little in the arrears of thorough education. I am as dissatisfied as any man in this House about them; but still it is gratifying to find this year that the proportion of scholars examined is increasing. Well, we have 41,426 masters, being nearly 3,000 more than heretofore, and we have 33,733 pupil teachers, and that gives an increase of 538. The cost for maintenance for scholars in Board schools is £2 1s. 11½d., being a decrease of 1d. per head; and voluntary schools, £1 14s. 7½d., or an increase of 1½d. per head. The rate of the grant earned is, for Board schools, 15s. 7½d. per head, an increase of 4½d. on the previous year; and for voluntary schools, 15s. 5d., or an increase of 1½d. per head. It is the first time since the passing of the Act of 1870 that the Board schools have shown any substantial increase over the voluntary schools. Now, in these figures there are two or three points we have of interest, and the first is the number of scholars on the registers. Although these have gone on increasing year by year from 1,693,000 in 1870 to 3,895,000 in the past year, it shows a substantial increase of 185,000 during the past year. Now, the normal increase according to the growth of the population will be about 70,000 in the year; but we continue to receive into our schools nearly three times that increase every year, and, at this moment that I am addressing the House, the probability is that there are over 4,000,000 of children on the registers of the schools, and we have every reason to expect that within the next 10 years, when the Act of last year comes into full

operation, the numbers will not be far short of 5,000,000 children. The next question to which I must call attention is that we have gone from 1,793,000 to above 4,000,000; and we are calculating on something like, after this year, a continual increase of 200,000 children a year. The average attendance has now reached 70.6, and this includes infants—the vast number of children who only attend half-time, and who are permitted by the School Board when they pass the Standard to be employed half-time. If they were full time they would not detract very much from the average of the whole, and it must make a difference in the average of the year. Considering that every year we are passing in more of the children of their regular class, and that the compulsion reaches the more neglected of the lower classes, it is more satisfactory to find that the average attendance is higher to-day than it has ever reached before. That is an indication of real and substantial progress. We have not reached, by any means, what we hope to, and may, attain, and the best proof of that is what Scotland has already done. Scotland has already reached 76 per cent average attendance, including half-time; and there is this to be said about Scotland, that the Scotch children go to school later, but stay later than the English children. That is owing to climate, and that infant schools are not so general as in England; and it is a most satisfactory result in the School Board in Scotland that they have already brought up the average attendance to 76 per cent. Now, compulsion has done this. It has succeeded in bringing a larger number of children to attend schools for at least a portion of their time, and has improved the average attendance to the point to which I have stated. I have a table here which shows that it has had the effect of causing a very considerable increase of the number of scholars who attend sufficiently regular to bring the grant to the schools. Out of every 100 scholars on the register in England and Wales there were 62 per cent, and they were qualified by attendance in the proportion of 40.2. In 1880, at the same stage, 68.3 on the register, and they were qualified by attendance to the extent of 52.2. This shows a number of children who get the grant in Scotland. I am bound to say the result is much better. They had been in 1874

64·9, and, at the present moment, they have reached 73·6, who make full school attendance. I am approaching that which I regard as the most satisfactory feature of the year, and that is the result of last year's examinations, and it is to this point I invite my hon. Friend the Member for Wolverhampton. The children examined did better in the three R's than in the previous year, the percentage of passes having risen from 80·4 to 81·2; whilst the proportion of scholars examined in Standards IV. to VI., compared with the total number of scholars individually examined, rose from 22·1 per cent to 24·61 per cent. Now, in order to show the change which was gradually coming over our educational experience, I will ask the attention of the House to this fact—that the percentage of passes to the number of children examined fell steadily during the first six years after the passing of the Act of 1870. The number of ignorant and neglected children brought in, and the number of elder children who were unable to pass the Standard, was so large that there was a steady fall in the percentage of passes through England and Wales. In 1872 the following were the percentages:—Passes in 1872, 81·1; in 1873, 80·8; in 1874, 80; in 1875, 79·7; in 1876, 78·8; and here in 1877 we ended the trouble. There had been a steady fall; then came the rise, and the recovery was due to this, that more attention was paid to the teaching of the infant children. The interest taken in the schools had begun to effect a great change in the children's passing in the upper Standards, and the number of backward children grew less and less. In 1878 the number rose to 79·5; in 1879 to 80·4; in 1880, 81·2. This is the highest point at which the number has ever stood in Standards IV. to VI. Now, the test is, what do you pass in the upper schools? There are bye-laws and Factory Acts which affect these. The bye-laws and the Factory Acts take half our children in the Fourth Standard out of schools every year. That is to say, that 50 per cent of the children who pass the Fourth Standard in any year pass at once out of school. That is one reason why we cannot pass our children to the higher Standards, because the Standard of the Factory Act is the Fourth Standard, and the Standards throughout the country, especially the rural districts,

are from II. to IV., or III. to V., for half-time and full time respectively. The progress which had been made in the higher Standards was one of the features in the year the most gratifying. I have made out statements which show the number of children presented in the higher Standards since the passing of the Act of 1870. In 1870 the number who passed under the Old Code was 191,663 to all schools. Practically, it was 102,630, taking it as compared with the Code, as we have since that time raised the Standards. In 1871 we have no record because the Code changed. Then in 1872, 118,000; in 1873, 131,000, being an increase of 13,000; in 1874, 155,000, being an increase of 24,000; in 1875, 194,000, an increase of 39,000; in 1876, 234,000, an increase of 40,000; in 1877, 270,000, an increase of 36,000; in 1878, 324,000, an increase of 54,000; in 1879, 388,000, an increase of 64,000; and last year 468,000, an increase of 80,000 children in the upper Standards. The increased number passed through the upper Standards IV. to VI. since 1870 was more than 400 per cent. That is the best test of the work that is really being done. However well we may be doing with the English schools, the Scotch are doing better; and in Scotland this is much more remarkable than among ourselves. The numbers for Scotland—where they have had the compulsory system in full operation since 1872, while ours has just come into full operation—shows that in 1872 they passed 35,502 children, and they finished in 1880 by passing 102,259 in the upper Standards—that is to say, out of 304,000, the average attendance was one-third of the whole, or 33 per cent in Scotland, as against 24 per cent in England. I should like to give a single illustration of the way the Scotchmen manage their schools, showing the wonderful results that are accomplished. I was struck with the case of a school which was placed in my hands some few months ago, and it gives an illustration of what could be done under the most adverse circumstances. It was a school in the village of Easdale, in the Island of Seil, in the county of Argyll. The chief industry of the place is slate quarries. Well, in 1874 the Report was exceedingly unfavourable. In 1875 the School Board began a new school, and they appointed a new teacher, and this is the sort of progress

which has been made since. In the first year only six out of 134 could be presented in the higher Standards. In 1876 the school had an admirable Report; in 1879, when the Inspector came, he said—

“This is one of the best schools I know. There is no failure in reading and writing, and only two out of 116 failed in arithmetic, and when I visited the place some years ago the education of the children was in a lamentable state. Thanks to the wise policy of the Board and the ability of the teacher, it is now the best school in Argyll.”

Out of 134, only seven failed, and the Inspector said it was, in all respects, a model school. I think that a school and school board making such marvellous progress as that shows ought to be brought under the notice of the House. Now, Sir, I have given the statistics for England and Wales as to the number who have passed the upper Standards. The grants earned in 1879-80 had risen from 15s. 3½d. to 15s. 7½d., an increase of 4½d., and the voluntary schools to 15s. 5d., an increase of 1½d. I said that this is the first time that the board schools show an advantage over the voluntary schools; but the grant is not always the measure of success, and I say this irrespective of this circumstance in reference to board schools and voluntary schools. It depends upon the number of infants in the respective schools on the list, for the infants bring down the average, and the real test is the children in the upper Standards and the upper ages. Now, the average cost in the London School Board schools was £2 17s. 7½d. per head, and in the voluntary schools £2 0s. 10½d. The board schools in the Provinces are only £1 17s. 5½d. I am bound to say that the heavy cost of the London Board schools raises the average of the board schools throughout the country. The London Board school average was £2 17s. 7½d., and the London voluntary school £2 0s. 10½d., against £1 14s. 2d. in the country. I am not going to be the apologist for the London School Board; there is no need for me to take up the defence of the London School Board, as it possesses able Representatives in this House. I am bound to say that I was very much struck with that, and I made it my business to institute inquiries as to the cost of the London Board schools as compared with other

schools. Now, it is only fair, whatever may be said in favour of voluntary schools or Board schools, that it should be fairly and honestly stated. I find that the London Board schools are increasing at the rate of 23,000 a-year for the last 10 years; that for every year they have to furnish schools and charge that upon the current year's account. Then, again, unlike any other board schools in the country, they have to bear the expense without the grant for this 23,000; so that really, to take the proper average, we believe that it would be impossible to get the cost of the London Board schools until the London Board schools have supplied all this deficiency of education and the children are in average attendance. Then the grant for salaries is very considerable. Then, taking the average of the country schools, no allowance is made in the salaries, but a residence is provided for the masters; whereas, in London, the residence of the masters is to be paid out of their salaries. That is only fair to be borne in mind; but to show the vast work which the London School Board has yet to do—for it is a vast work, for the deficiency is not nearly supplied, and the new Census has shown us that Lambeth alone has increased nearly 250,000 during the last 10 years—there is the population of one of our great towns, and the London School Board have to keep up with the growth of the population, and this growth represents something like 1,100 persons a-week; and, in order to make provision for the population, they must open one school a month. That is the only way in which the population of London can be provided for. The only wonder is that, looking at the vast work already done, and yet remains to be done, how we could have remained content with such a state of things as must have existed. The total expenditure on education for last year amounts to £5,078,259; to this sum the endowment has contributed £143,000, the voluntary contributions about £731,000; the rates £726,000. Though it is fair to notice that the contributions are still in excess of the rates, it is a most creditable feature. The children's pence contributed £1,431,000, and the Government grant £1,982,000, and the receipts from other sources were £55,000. I am bound to quote these figures to consider what

would be the grant, and what must be the rate to make up the enormous deficiencies which would result from these two sources—the Exchequer and the ratepayers. I have now stated everything which relates to the educational work of the past year, and I hope that the House will be satisfied that we are really making progress. I may say that the highest grant, taking the schools in their denominations, was made by the Wesleyan schools. There are one or two points with respect to the working of the Act that I should like to say a few words upon. I believe that those great results which I have been able to lay before the House, and which I hope will be still greater, have been the result of compulsion; without it we could never have achieved such results. I am sorry to say that there are still serious obstacles to the future working of that Act. Only this day I had a letter from a School Attendance Committee that less than half the children in the district were not in attendance, and the reason of only half the children being at school was that when the cases were brought before the magistrates the magistrates had resolved not to convict, and these people set the law at defiance. In many instances—and this was most surprising in London—the magistrates seem to think that they were almost above the law, and they do absolutely set the law at defiance in hundreds of cases. It is remarkable when we consider with what general assent both Houses of Parliament passed the Act last year. Both Houses of the Legislature had allowed the Act to make compulsion general throughout the land to pass without the slightest sign of amendment or opposition, and I think it was a very good omen, and it showed the general assent of the Legislature to the compulsory working of the Education Acts. At the time of passing the Act there were about 16,500,000 in England and Wales under the bye-laws, and by the 1st January it was required that every Union and every local authority should make an application for bye-laws. I am glad to report that on the 31st December last the whole of the Unions and local authorities throughout England and Wales, except a small remnant numbering only about 260,000 inhabitants, had applied for bye-laws, and now there was no district throughout the

land where those bye-laws have not come fairly into operation. But still there are some things that must be amended if the compulsory system is to be efficiently worked. One is the cost and difficulty of proceeding under the Summary Jurisdiction Act. The cost to the locality of taking out summonses, and the difficulties which have been unexpectedly imposed, have raised very serious obstacles to the working of compulsory education. I do think that parents who are so neglectful of their duty as those who will not take the trouble to send their children to school, and, worse still, those who have come under the operation of the Industrial Schools Act, should be punished. There were cases recently where the man has neglected his own family and allowed them to run in the streets till they were sent to an industrial school, and was, at the same time, getting good wages and keeping another family, and not contributing a farthing. They set the law at defiance, because they had no goods to distrain upon. I do trust that something will be done in order to overcome this difficulty. A great deal has been said about taking out summonses. I am bound to say, from the cases which have come under my notice in the Education Department, that the school boards make very few mistakes. I have had particulars furnished me of the amount of summonses taken out by the London School Board with a view to enforcing compulsory attendance. There is a periodical published which makes it a subject of censure, and says that the London School Board is very harsh with parents. Under the bye-laws, the well-known “B” notice, where the parents are admonished for not sending their children to school, there were 79,715 notices sent out last year, and out of that number only 7,722 were summoned, and the number of cases dismissed was only four. Under Section 11—that is, to meet the case of habitual neglect—there were 3,871 summonses, and the cases dismissed were only 11. The employers summoned were 22, and only one case was dismissed. I think that is a fair illustration of the working of compulsion, and this disproves the constant allegations of the hardships undergone by parents at the hands of the school boards. We are asked what are the moral results of the

education on which the country is spending £5,000,000 a-year. We hear a good deal of declamation against our present system as being irreligious. I am quite sure that neither the noble Lord the Member for Liverpool (Viscount Sandon) nor the noble Lord the Member for Middlesex (Lord George Hamilton), who have presided in the Department, will say that they are irreligious. I know in the town of Liverpool, which the noble Lord (Viscount Sandon) represents, that both the school board and the voluntary schools work heartily together, and prizes are given in religious instruction in that town, and the results have astonished some of the opponents of the school boards when they come to see the answers of the children. The same thing was told me in Manchester of the papers submitted to the school board, and one who is well known for his opposition to school boards admits he was taken quite aback by the examination papers, and had no conception of the amount of Biblical knowledge which had been attained by the children in school board schools. If I wanted to disprove the statement about the decline of religious teaching, I could bring a few facts to the notice of the House. The total number of children in voluntary schools in 1870 was 1,449,000, the total in 1880 was 2,759,000, showing that the numbers receiving very distinct religious instruction in voluntary schools had increased by 811,000 children. Of these there was an increase in the Church schools of 627,000; in the Roman Catholic schools of 79,000; in the British and Wesleyan schools of 127,000; and in the Board schools of 1,085,000, showing a total of 1,900,000, or a total increase of nearly 2,000,000. This total increase of nearly 2,000,000 of children in the schools of the country, and a very large proportion in voluntary schools of the country, are, except a small number, receiving religious teaching. Then in Scotland the school boards adhere to the old system. After that statement, who can say that there is no religious teaching given to the children? On the contrary, I think that there never was so much religious teaching given to the children of the country as at this moment, and that it was never so well taught and so well understood as since the Act of 1870 was passed. As to the moral results of the Act, we have abun-

dant evidence of them. I have heard from the Chief Inspector of London Police the wonderful change that he believes to be brought about by the vast number of wretched children taken from the streets. In the town of Birmingham Major Bond says that the effect has been to get rid of the young ruffians who used to stand at the street corners, and whose coarse language and coarse manners caused a scandal in all our large towns. There was a great diminution in that respect and in juvenile crime, and the same thing was reported from all parts of the country. We have been going on during the last 10 years making progress towards civilizing and humanizing those who have been neglected in the past. I should like to say a few words as to the devotion of hundreds and thousands of noble men and women who have taken part in the cause of education. It is extraordinary, and the noble Lord opposite (Viscount Sandon) will bear me out, that in towns like Liverpool, Manchester, Birmingham, and elsewhere, when they take up this work they become absorbed in it, and they devote their lives and their energies and a great deal of their money to it. The voluntary effort brought into the school board system has astonished me. In Manchester, Liverpool, Birmingham, and elsewhere, we find men and women who are doing honour to themselves and sacrificing their time and means to the educational interests of the rising generation. Having concluded what I have to say in that respect, I proceed now to that part of the Statement which refers more immediately to the Papers which I have laid on the Table. The House will be aware that a year ago, when I made my Annual Statement, we were somewhat under the censure of the Upper House. The subject had scarcely been a month before the country before Resolutions were made in the other branch of the Legislature denouncing the Code as ambitious and entirely uncalled for. My noble Friend the Lord President of the Council (Earl Spencer) promised the other House of Parliament, and I promised this in my Statement, that during the coming year we would make full inquiry into the operations of the Code; and if we found that it was not for the advantage of education, and not calculated to bring out the best possible results for the expenditure and the devotion

given to it, that we would come down to the House and frankly state what was the result of our inquiry, and I have now here fulfilled that pledge. I may say that we have had complaints as to the Code from, I think, everybody who takes an interest in education. The teachers complain that it gives too little freedom to teaching, that it gives unnecessary clerical labour, and that it does not distinguish between good and bad teaching and good and bad schools, that schools that display no skill get as much as those where the work is thoroughly well done. From that time to this we have been receiving suggestions from all quarters, and obtaining evidence to enable us to arrive at a wise solution. I cannot enter upon this subject without speaking of the great assistance we have received, and the ability and zeal shown by the officials in the permanent branch of my Department. Personally, I cannot but express my obligation for what they have done in this matter, and the way in which they have set themselves to accomplish this reform. I should have been unable to make such a statement, or to have laid it on the Table in the shape I now place it, had it not been for the intelligence and ability of the permanent staff with which I have been associated. It is due to them that I should acknowledge the assistance they have rendered in getting out the scheme which I have laid on the Table. In the first place, we had Memorials from school boards and from persons connected with education who made suggestions for the improvement of the Code. We found ourselves able to agree upon certain principles, and then papers were prepared by 20 or 30 of our principal Inspectors, and we elicited from them the freest possible criticism, and asked them to give suggestions as to the best system which their long experience enabled them to give. Having received those Reports, we were enabled to make a draft Report, and we agreed further that the matter should be thoroughly sifted and the detail worked out by a Committee. The House would like to know the process by which we arrived at that. Sir Francis Sandford, Mr. Sykes, and Mr. Cumin represented the three chiefs of the Education Department; Mr. Warburton, Mr. Sharpe, and Mr. Fitch, the three Inspectors representing the great Training Colleges—

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Mr. Warburton for his experience in smaller schools, and Mr. Sharpe for the larger schools. I presided over this Committee myself, and Mr. Hodgson acted as Secretary, and we had many a long and laborious day's work in arriving at the scheme which we have now submitted to the House. When we had accomplished that, we felt that we must put our work through a finer sieve and must call in additional critics, and we added to the Committee Mr. Matthew Arnold, Mr. Moncrieff, Mr. Oakeley, and Mr. Blakiston, and Lord Spencer himself presided over that Committee, and the result is that which I have laid on the Table. I must say, in laying it upon the Table of the House, that I do so with great hope and great confidence. But we do not ask, and we shall not ask the House to assent to it as it stands. We simply submit it as the proposals to form the basis of the future Education Code of the country. We ask that it shall receive, not only the fullest criticism, but we hope that it will receive fair consideration. It is not to be made a Party question. But we must all assist in the good work. It is not a Party question with us. We will take good care that we deal with all schools on an equality, treating them all alike, whether voluntary or board schools, and they will come under the same regulations and receive the same grant if they have the same capacity. What we wish to arrive at is sound educational principles, and if we arrive at sound educational principles we can deal with the money payment afterwards. We do not want to go into the question of whether we pay 3*d.* too much for this or 6*d.* too much for the other; but what we want to know is what will present the best results and the most thoroughly sound education. I can only say that I trust that during the Recess I shall receive suggestions from all parts of the House, and I can promise, on behalf of the Department, that they shall receive our candid and careful attention. Now I shall submit a few heads of the scheme. Under the first head we deal with the attendance. It is proposed to adopt the average attendance in each school as the basis of the grants which have hitherto been made on account of individual scholars, whether infants under seven years of age presented to Her Majesty's Inspectors for collective examination, or children above seven presented for exa-

mination in reading, writing, and arithmetic. The next is that—

"Two hundred and fifty attendances will be no longer required as a condition of examination; but all scholars who have been on the register for six months will, unless there is a reasonable excuse for their absence, have to be presented to the Inspector."

Now, with reference to that, I have to say that this is the fairest measure of the work of the school. The grant now depends too much upon chance circumstances and accident over which teachers and managers have no control. For instance, a wet day for inspection, or a snowy day, or the absence of some of the principal children, immediately affects the grant, and the school suffers for one year in consequence of these circumstances. Another reason is that it will keep the work of the school equal. The failure in any part will affect the whole school; and it will tend to make the teachers take an interest in the good and bad scholars alike, and will lead them to take as much interest in the proficient and non-proficient, and in the quick and the dull scholars. The change is in the interest of the children generally. There are constantly cases coming before me of loss to teachers from the causes I have indicated. There was an event which came before me the other day of a loss arising from the removal of a battery of artillery. These are hardships which are constantly arising; but there is something more serious. We shall remove the temptation to tremendous fraud. It was the most painful part of my duty to have to sit in judgment on teachers who had been tempted to make one or two strokes of the pen which had brought them under the charge of fraud, and the inevitable consequences following, that their certificates are suspended and their characters blasted, and their careers blighted or ruined. I had a case on Saturday last where it only required one single stroke of the pen to complete the number of attendances of one boy. He attended 249 times, and the schoolmaster made that one stroke. What was the difference in that school? That single stroke made £16 difference to that school, because it just brought that boy into the list of boys to be presented. It brought them within the 20 per cent, and it made just £16 difference. We have had cases where two strokes have made £10 and

£20, and even £30 and £40 difference to the school; and when the master has done all he can, and the boys fail him at the last moment, I must say that the temptation is very strong to bring up the attendance of the school, and I think that that temptation ought to be removed. Abolishing those 250 attendances will remove the strain on the teacher's mind; and it will be the fairest way to obtain payment by results, and I am quite satisfied that it will give great elasticity of teaching and improve the whole system. Now we say, under the 3rd clause, that grants will be so assessed that the present average rate of aid will, as far as possible, be maintained. The fair school will receive nearly the same grant, the bad school will receive a little less, and the good school a little more; and thus we discriminate between the various schools. Then there will be grants common to all schools. As to music, we propose that the full grant will be paid if the singing is satisfactorily taught from notes, or according to the Tonic Sol-fa system. Only one-half will be paid if the singing is taught by ear. Then there is a sewing schedule, which we felt we might make a little lighter for the younger scholars. We felt that it was too much for the younger scholars, and the fancy sewing was not exactly what we wanted. Clause 6 is also common to all schools; and this is called the Special Merit Clause. This is a clause which will do more, perhaps, to lift the tide of education than any other in the scheme.

"The Inspector shall have regard to (a) the organization and discipline; (b) the employment of intelligent methods of instruction; and (c) the general quality of the work in each school, especially in the standard examination; and shall have power to recommend an additional grant on the average attendance, varying in amount according as the school is, in these respects, fair, good, or excellent."

There will be a special merit grant on these three heads. Now, I think the House will say—"You are placing great powers in the hands of the Inspectors." Well, I will show how that is proposed to be done when we complete the organization for inspection; and by it we hope to insure greater economy, and greater efficiency, and much greater uniformity than hitherto. I now come to infant schools; these also have an average attendance, and where the infants in a school amount to 40 a separate adult

teacher will be required for their instruction. For more than 60 infants a certificated teacher will be required. We cannot have infants committed to the charge of monitors or young pupil teachers. We must insist upon better infant school teaching—the foundation of all teaching—and we propose also that part of the grants will be made to depend upon the infants being taught by special methods, something akin to the Kindergarten, giving appropriate and varied occupations; suitable instruction in the rudiments of reading, writing, and arithmetic; and a systematic course of simple lessons on objects—and we want that carried right through the school—and on the phenomena of nature and of common life. Then infants between six and seven may, at the discretion of the Inspector, be examined individually according to Standard I. of the Code of 1870; and if any scholars in an infant school are taught in Standard I., they will be examined and paid for as in schools for older children. Then we come to boys' and girls' schools. Payments on the passes of individual scholars will be abolished, and 250 attendances will be no longer required as a condition of examination. Then we stipulate that—

“All scholars on the register shall be present at the inspection, unless there is a reasonable excuse for absence; and all such children who have been six months and upwards on the registers are to be presented for examination.”

Then, as to the mode of assessing the grant—

“The grant will be calculated on the results of the examination of these scholars. It will be based upon the proportion of passes actually made to those that might have been made by the scholars examined.”

I cannot claim credit for this invention; it is one of the simplest, and it saves an immense amount of labour. Let me explain it. It states the proportion of passes actually made to those that might have been made. Now, supposing you had 100 children; the maximum they might make would be 300 passes. Supposing they make 270 passes, that is 90 per cent; and supposing they make 240 passes, that is 80 per cent, they will be paid for thus—10s. when they make 100 passes per cent; then 9s. and 8s. when they made 90 and 80 passes per cent. But the House will see that there will be no longer that temptation to push

forward children who can make a certain percentage; it will be based upon the work of the school, and upon the special merits of the school; and I believe in that respect we may expect a vast improvement, and get better results out of the teaching. In Standards I. and II. we propose, unless either of them is a Standard for half-time labour, that instead of examining every child—and there are 3,000,000 or 4,000,000 children scheduled in the Education Department—instead of examining them individually, the Inspectors will examine such a number of scholars as will enable them to estimate the quality of the instruction in each of the three elementary subjects. The Inspector may take 10, 20, or 30 children, just as he pleases. When you get to Standard III., where the passes are important, and where the parents like to know how their children are getting on, then, for the present at least, all scholars presented in Standard III. and upwards will be examined. More than 1,250,000 of the children are examined in Standards I. and II., and the examination of those little children under seven years of age in the very simplest elements imposes upon the Inspectors an amount of labour perfectly unnecessary, and this amount of drudgery we propose to relieve the Inspectors of. Well, then, we propose to add a Seventh Standard. We had six Standards; but what was the result? In many a rural school, when a boy has passed the Sixth Standard and wants to stay a little longer, the teachers are anxious to get rid of him. I have complaints saying—“My boy has passed the Sixth Standard, and I want to keep him at school, and they say that they cannot keep him unless they double his fee, because he does not earn a grant.” We believe now that we must have seven Standards. We say that if any scholar, over 10 years of age, is, after the 1st April, 1883, presented in the First or Second Standard, the passes made by such scholar will not be reckoned in calculating the percentage of passes for the purpose of a grant. Then I come to a very difficult question—the question of class subjects. I have satisfied myself that specific subjects in the Fourth Standard lead almost entirely to cram. They are simply used for the purpose of getting a grant, and we have little physiologists and little geologists of nine or ten years of age who get up

some technical words which they do not understand, and that has done very much to the neglect of thoroughness in other subjects. Now, there are some things that children should know, some common facts that children ought to be made acquainted with. I want the House to bear in mind we have to work and take the condition of the labour market into consideration, and the state of the Acts, and the fact that the majority of our passes are in the Fourth Standard, and the children who pass the Fourth Standard we want to learn something more. There are some things that they ought to learn, and they ought to have some standard work, and acquire a knowledge of certain specific subjects in addition. I think it is better to remove the specific subjects to the Fifth Standard. The school will be regarded as made up of two divisions—in the lower division, Standards I. to IV.; and in the upper, Standard V. and upwards. Two class subjects may be taken in each division. English will be taken as a class subject—that is to say, grammar and recitation. A boy ought to know something of his own language, and something of the poetry and literature of his own language, and we insist that it shall not be the commonplace stuff that is to be found in the school books; but we propose that they shall learn good English, and get them to learn 100 lines of Milton or 100 lines of Shakespeare; and instead of taking a fourth or fifth-rate obscure poet, we intend them to read Milton and Shakespeare in the Fifth, Sixth, and Seventh Standards. We say that geography, including physical geography—in fact, the two subjects must be taught together. Mr. Fearon, who represents the physical geography, has a proposition. He proposes that in the First Standard they shall know the meaning and use of the map. A plan of the school and the playground will be given, and he desires that they shall know the four cardinal points. Then they shall go on to the size and shape of the world; geographical terms will be explained and illustrated by reference to the map of England; and physical geography, with reference to rivers, and so on. What they do learn they shall learn not merely from books. My right hon. and learned Friend the Member for the University of Dublin said that

he never meant that they should be taught merely from reading books, but that they should have illustrations. We propose that they shall have illustrations. Then we pass on to what we call elementary science. English—grammar and recitation; geography—including physical geography—and elementary science will alone be recognized as class subjects in the lower division, and if only one class subject is taken in the lower division, it shall be English; if two are taken, the second shall be geography or elementary science. The upper division may take as class subjects any of the three subjects to which the lower division is restricted, or history, or a specific subject, treated and examined in as a class subject. The grant for class subjects will be made, as now, on the average attendance, and an increased grant will be paid if 20 per cent of the scholars examined are presented in Standard IV. and upwards. We propose that one of the reading books in each Standard must be an historical reading book, adapted to the ages of the scholars in the Standard. Now, I do not know why children who read something should not have historical reading books, so that a child may know something of the history of his own country. Then there are specific subjects. We say that no scholars shall be examined in specific subjects if the percentage of actual to possible passes in the elementary subjects of the previous inspection was less than 75—that is, unless 75 per cent of them pass in Standards; we say that they shall not take up specific subjects until they have done this. I now pass on to the night schools. They are thoroughly on the decrease. Their decline is something like from 70,000 or 80,000 to 40,000 in this year. The teaching of merely the three R's in the night school has ceased to be attractive. Children are taught them in the day school, and then the condition of boys who have been presented in a higher Standard in the day school has gone a long way to ruin the night schools, and I think our night schools may be said to be in a most miserably declining condition. Now, we propose to do this. We are anxious that a boy whose short school life in the Fourth Standard ended at 10 or 11 years of age may have some chance of carrying on his education during the evening.

We do not propose to make his attendance compulsory ; a boy who has worked eight or ten hours cannot be compelled, he must be attracted. We have laid down three simple clauses for the night schools.

“Grants will be no longer confined to reading, writing, and arithmetic, but will be made also for proficiency in class subjects.”

As something more than reading and writing will be taught hereafter in the night schools, grants will be paid in respect of those children only who, having passed the Standard fixed by the bye-laws of their district for total exemption, are under no obligation to attend school, and are not day scholars. That is to say, a boy who has passed his full time Standard, and leaves the day school before he can receive the grant, may attend a night school. There is another clause which I hope the House will agree to—it is that a teacher in a night school need not be a layman. I know that the Nonconformist ministers may help the teachers of the night schools, whose burden is heavy enough. Often in the rural districts the only intelligent person who can assist the schoolmaster might be the Nonconformist minister, and I ask that he shall be allowed to assist the schoolmaster. At present we allow none but laymen to teach in the day schools ; and I see no reason why a Christian brother, or a local preacher, should not assist at a night school. I see no reason why a clergyman who wishes to be useful cannot be allowed to assist in a night school. But if there is any blame or any merit due to that suggestion it is due to me. I am prepared to take the full share of discredit, if any, for that suggestion. I know from my experience in my earlier youth that all the knowledge of natural history I obtained was at a night school taught by a clergyman, who, at the same time, taught a friend of mine, now one of the greatest naturalists living, and the Secretary of the Royal Geographical Society, Dr. Bates. At the last meeting of the British Association at Sheffield there were several clergymen who desired to teach botany to children ; and those men found that they were excluded from the schools, and they had to take the children to their own houses to give them lessons. I think that the House will not misinterpret my desire to utilise all those forces. Special grants to pupil teachers

will be continued. Not more than three pupil teachers will be allowed in any school or department, whatever number of certificated teachers may be employed. The number of pupil teachers to be employed as teachers are now in excess considerably, and there will be some 76,000 school teachers without hope of employment when they have finished their apprenticeship. We also abolish the stipendiary monitors. They have not been a success. Candidates for apprenticeship as pupil teachers will be required to pass Standards V. and VI. Then, as to the staff in the school, an assistant teacher will count as sufficient for 60 scholars instead of 80, as heretofore ; and no teacher examined at or after Christmas, 1882, will be allowed to have pupil teachers who has not passed in papers of the second year. We wish to raise the status and qualification of the teacher. We are closing a side-door by which incompetent persons enter the profession, and I shall tell you how we intend to open another door. By Clause 38 we make a fair and right concession to the schoolmaster. The annual entries made by Inspectors on teachers' certificates will be discontinued after they have been raised to the first class. We often have complaints that a young Inspector will endorse the certificate of an old teacher in a way very disheartening to the teacher in his work. If a man has once attained his first class, he can always get from the Department a record of his services, and he will be entitled to claim from the managers of his school a certified copy of the Inspector's yearly Report when it is entered in the log book. We propose to open another avenue to the teaching profession. In my experience in the Education Department I have applications by the dozen—almost by the hundred—from University men who want some occupation. We are multiplying very largely the number of men who attend the University. All our grammar schools have scholarships. That bridges the gulf between elementary schools and the Universities. In the town of Birmingham the system is so complete that you have a perfect network of elementary schools. Then you have the higher schools for those who have to pass out in the 14th or 15th year ; and, further, you have your middle-class scholarships founded by King Edward's foundation.

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The same thing takes place in Manchester, Liverpool, and Nottingham, and if we can only get the endowments of the country applicable to their proper objects, if we can only get the endowments dealt with with any degree of rapidity, we shall have a complete system of middle-class education which will meet the wants of, and gives a stimulus to, the elementary schools. This brings, moreover, more men to the Universities. A man going to the University in Scotland carried his University teaching into business; but in England a man who had been at the University thought he must be a professional man, or a servant of the Government, or have some employment that is not in the ordinary line of common employment. We propose to open the doors to those who come from the University, and to make them teachers. We say that graduates of any University in the United Kingdom, and women who have passed certain of the higher examinations held by the Universities, may be recognized as assistant teachers, and will be admissible to examination for certificates after serving as assistants for one year in a school under inspection if the Inspector reports favourably of their skill in teaching and reading, and, in the case of women, of needlework. We require them to come to work for a year, and offer them a fair field, and it will be a field through which they will pass to the schools. It will bring up the whole profession, and raise the tone of the teachers of the elementary schools by the qualifications which these teachers will possess. I am now about to conclude. Certificates will be no longer granted without examination; and no certificate will be cancelled, suspended, or reduced until the Department has informed the teacher of the charges against him, and has given him an opportunity of explanation. Now, I have two questions about which my noble Friend the Member for Liverpool (Viscount Sandon) has some difficulty, and as to which I know that whatever merit there is in them is due to my noble Friend; but I believe they were made to meet a state of things that is now passing away. The payment of honour certificates will be discontinued. The noble Lord thought the honour system stimulated the attendance of children, and that it was one of the means of indirect compulsion. He expected that it would be largely availed

of, and it was thought there would be a payment of £50,000 a-year; instead of which, owing to the objection that it was always to be a reward in the future, and that it was prospective and not retrospective, the honour certificate has caused a great deal of heartburning and a great deal of difficulty, and I know of nothing that has caused so much trouble to the Department. A person feels that the child at the end of the year, if he does not receive his payment back, is in some little difficulty, and that it is a wrong done to the children. Now, there is no need of this stimulus any longer, and I think it can be better employed in bringing them into the night school than in spending £50,000 a-year, which goes mainly to the children of the lower middle-class. Then there is another question. The production of a Child's School Book will no longer be required as a condition of the payment of annual grants. Now, the school book was meant to keep a record of the age and attainments of the child, so that it might be a record for all purposes, whether as a record for labour, or on passing from school to school. I was very sanguine myself, and I know I spoke very strongly on this, and I am bound to say that nearly all over the country it is a complete failure. In a town like Birmingham not 2 per cent of the school books have been used. Some of the children have three and four, and as many as 11 school books, and I find a statement here where a child has been found with three school books with a different age in each school book, that each of the ages was a wrong one, and the Factory Inspectors refused to accept the school book as the real proof of the child's age. Therefore *The Child's School Book* must go, and we no longer make the production of the school book necessary. I am almost ashamed to look at the clock. I have only one more topic to speak upon, and I have no doubt I will be asked what are we going to do with the system of inspection, for if we are going to give special money grants to schools, how are you going to deal with individual Inspectors who make grants on mere caprice? Well, now, our system of inspection is somewhat overgrown. The whole Department has grown up so rapidly, and inspection of every individual student has been considered so important, that we have a

large number of Inspectors—120 or 130—and an equal number of Inspectors' assistants, and if we continue to examine them we must increase this staff every year. We have complaints from various parts of the country as to the laxity in some cases and the want of indulgence in others, and these complaints cause a great deal of trouble and anxiety. What we propose to do is to divide England and Wales into districts. We shall take from amongst our very best and most trusted Inspectors a certain number of men to be Inspectors of those districts, and we shall place them at the head of those districts. Under those Inspectors there will be other Inspectors who will be subordinate in the district, and with that Inspector they will have to communicate, and he will be held responsible for their work. We propose by that to diminish the higher grade of Inspectors, and to call into existence another class of Inspectors. We have no freedom. Some of our ablest and best Inspectors' assistants, who have taken University degrees, men of high character and ability, who have spent a dozen years in the service of the Department, cannot earn any considerable addition to their salary, and, after doing good service, perhaps only receive £175 per annum. We propose to get an Inspector between the Inspector and the Inspector's assistant, and we propose to have sub-Inspectors recruited from the ranks of the Inspectors' assistants and from the ranks of the schoolmasters. The salaries of those sub-Inspectors would have to be fixed by the Treasury; but they would only be called into existence as sort of supernumeraries, when others retire or drop off; but we propose that the Chief Inspectors of the Department—and there are 12 or 15 of them—shall once a year meet at Whitehall, and lay down a regular system of examination for their respective districts. They shall agree upon a plan and upon their tests as to good, fair, and excellent, and shall then enforce that uniformity upon the Inspectors below them. We hope by this means to achieve much more uniformity throughout the country. I do not intend that any Inspector shall be employed who has not had ample preparation and experience in the schools; but we do intend that there shall be some test exacted from Inspectors as to their capacity to inspect, and as to their ability

Mr. Mundella

to descend to child-life. I must apologize to the House; and although my Statement must be rather dry, and have no charm about it, yet I do feel that the Department with which I am connected is as much associated with the honour and the greatness of England as our Army and Navy.

ART AND INDUSTRIAL MUSEUMS.

RESOLUTION.

MR. JESSE COLLINGS, in moving the following Resolution:—

"That, in the opinion of this House, grants in aid of Art and Industrial Museums should not be confined to London, Edinburgh, and Dublin,"

said, he congratulated his right hon. Friend the Vice President of the Council on the real and substantial progress in education he had shown in the able Statement which he had just made. They must, however, moderate their satisfaction by the fact that, after all, with all their machinery, only 24 per cent of the children examined had passed in the Fourth Standard and upwards. He wished to urge on the House the necessity of declaring that grants in aid of Art and Industrial Museums should not be confined to London, Edinburgh, and Dublin. The subject involved in this Resolution was one of great and increasing importance. It was one which concerned every constituency in the Kingdom. It was occupying in a larger and larger degree the minds of those in the Provinces who were interested in the question of industrial and other art, and of their bearing on the prosperity of their great national industries, and, therefore, on the prosperity of the country generally. A Conference of representatives of Municipal Corporations was held in Birmingham in 1877, to consider the claims of the Provinces. This Conference met again in London later in the same year. About 60 Municipal Bodies were represented, and deputations were appointed to wait on the Commissioners of the 1851 Exhibition, the Trustees of the National Gallery and of the British Museum. It was understood that the Commissioners of the 1851 Exhibition had nearly £1,000,000 of surplus at their disposal; but the result of the interview was an impression on the deputation that nearly the whole amount would go to the benefit of Lon-

don, and very little to the Provinces. From the Trustees of the British Museum and of the National Gallery unsatisfactory official replies were received. The matter contained in the Resolution was now ripe for discussion, and would come up again and again with renewed force till it was settled. A similar Resolution was moved in the House in 1878. On that occasion the noble Lord (Viscount Sandon), who then occupied the position of Vice President of the Council, made a speech in which he fully recognized the importance of the question, spoke of the advantages that would come from Museums of Science and Art in the Provinces, and said that he hoped during the following Session to make some statement on the subject. He trusted that the right hon. Gentleman the present Vice President of the Council would give some equally satisfactory assurance that the matter would receive the attention of the present Government, and that some steps would be taken next Session in the direction indicated by the Resolution. He did not wish to complain of the aid given to the Provinces as far as art and science teaching was concerned. He wished that the grant for that purpose was much larger than it was; but of the amount granted the Provinces received a considerable share. He did not, however, regard this as any concession to the Provinces, but simply as receiving that to which they were fairly entitled. The question involved in his Resolution was one referring to Art and Industrial Museums. The Motion was not made in antagonism to the grants made for these purposes to London, Dublin, and Edinburgh. Those who were acquainted with the unrivalled collection to be found at South Kensington would not begrudge the money spent there. They would rather regret that the funds placed at the disposal of the managers of South Kensington had been of late years decreased rather than increased. In making such collections it was now or never. The field for the purchase of original specimens was getting narrower and narrower, while the collectors from all countries were more and more alert. What might be bought to-day for £1 would, in a year or two, cost £20, or, what was more likely, be absolutely unattainable. What they wanted was to establish in their prominent centres those appliances which

were admitted to be absolutely necessary if they were to maintain their manufacturing supremacy. To illustrate the position, let him refer to the town of Birmingham, which was the centre of the great manufacturing district in the Midlands. He referred to that town simply because, being for many years Chairman of the Free Library and Art Gallery Committee, and also intimately connected with the manufactures of the district, he was, in a measure, familiar with its position and needs. But that which applied to Birmingham applied in the same degree to other towns, such as Manchester, Liverpool, Leeds, Nottingham, Sheffield, Bradford, Leicester, and others. There were writers and lecturers on art, rectors of Colleges, and superior persons who, while disagreeing among themselves in many things, seemed to unite in lecturing, and sometimes in libelling, the English workman. They were evidently unacquainted with the workshop, or with the difficulties and disadvantages under which the workman and manufacturer lay. Some time ago an important branch of industry in the Midlands, giving employment to many thousands of workmen, was threatened with serious injury by competition on the part of the Americans. An American manufacturer called on him, and he was enabled to place before him samples of the English and American work side by side, and on examination the American gentleman frankly admitted that he could not compete. The English work was produced by men, some of them scarcely able to read and write, with no aid except from their natural skill, industry, and perseverance. The conclusion of the American manufacturer was, that if they—the Americans—had workmen with equal natural powers and perseverance they could, with the addition of the teaching and help they could give them, beat the world in these manufactures. The fact was, that the English workman, for natural capacity and perseverance, was the best in the world. But they did little for him. The Midlands was the seat of the iron and metal industries, giving occupation to thousands. Yet Birmingham had no collection of iron and metal work, no illustrations of what was done in olden times, or what was now being done in other countries competing with us. Birmingham was the

seat of the jewellery trade. Most of what was called, and sold as London jewellery, was made in that much-abused town. Yet there were no illustrations to speak of, no examples of the manufacture for educational purposes. It was true that in a quiet room, in a secluded part of the British Museum, there existed some splendid specimens of the goldsmith's art in the shape of the Cartellani jewels. The last time he visited them there were six persons present, two ladies, two gentlemen, a child, and the policeman or keeper. He was glad that the nation possessed them under any circumstances; but were these specimens subject to the view and to the study of the jewellers in Birmingham, it was probable that improved taste in manufacture would be the result. He might go on and speak of the position of the glass, japan, ornamental, and other manufactures; but the illustrations he had given were sufficient. Now, they were familiar with the argument which the upholders of centralization were fond of using—namely, that railway communication was now so complete that anyone could run up to London and see splendid examples of ironwork at South Kensington, jewellery at the British Museum, and so forth. But the utmost working men could expect was to go by a day trip to London once or twice a-year. The great majority did not do that. Besides, it was an argument which cut both ways. Suppose, for example, that the finest collection of cutlery existed at Sheffield, and the finest collection of lace at Nottingham. The railway arrangements were the same and the distance the same in going from London to Nottingham as from Nottingham to London. With regard to loans, the authorities at South Kensington were showing a wisdom and liberality in that direction which could not be too much commended. They were, by this means, showing their willingness to extend the advantages of these collections to the nation at large, to whom these collections belonged. But loans, while of great use, were not sufficient. There must be permanent collections. There were fresh workmen coming of age and coming forward every day. It was necessary that a workman should examine again and again a piece of work of high excellence in order to catch the spirit of it, and the trick of

the hand by which it was produced. They were not asked for large sums of money to be sent down to the industrial centres to be spent in making a formless collection of articles and curiosities. Nor were they asked that localities should receive assistance which had shown no disposition to help themselves. But they asked for grants to assist local efforts in the formation of Art and Industrial Museums; in the formation of special collections, illustrating certain branches of industry, and meeting the special requirements of the locality. For instance, pottery from Staffordshire, lace from Nottingham, iron, metal, glass, jewellery from Birmingham, textile fabrics from Manchester, Leeds, &c. This could be best done with the co-operation or through the agency of the authorities of South Kensington, whose means of collecting and general experience gave them far greater facilities than local bodies could possess. He would like to quote a few words of a gentleman of the highest authority on this question, Mr. J. C. Robinson, formerly Art Superintendent of South Kensington Museum. He wrote last year as follows:—

"The pecuniary resources of the State must, then, in some shape or other, be brought in aid of local resources; in other words, it is for the State to concern itself with the nature and constitution of the typical Provincial Museum, and to assist in shaping such collections as already exist in forms of practical, yet, at the same time, elevating influence."

Mr. Robinson further remarked—

"They (Provincial Museums) have a great and special work to do, very complex and difficult in itself, and which nothing but liberal and far-reaching assistance on the part of the State will enable them sufficiently to carry out."

He was glad to find in the Estimates for the year a small sum of £2,000 for casts, electrotypes, and reproductions of treasures existing in foreign countries, the originals of which could never be seen by the mass of the people. He congratulated his right hon. Friend on this movement in the right direction. The sum was very small; but he hoped another year that it would be largely increased, and that these reproductions of works of art might form part of the grant demanded for the Provinces. He contended that it was a mistake to suppose that it was only necessary for workmen to study industrial art. The men who

Mr. Jesse Collings

had opportunities of seeing and studying paintings, drawings, and other examples of what was called "high art" would be likely to have their tastes so cultivated and their ideas of beauty so developed as to be the better able to produce shapely and beautiful things in the branch of industry in which they happened to be engaged. The right hon. Gentleman would, perhaps, say that the towns should do all that was necessary by themselves out of the rates. But he must remember that these localities were, and had been, rating themselves to the utmost of their powers. Further, that they were supplementing their rates by individual efforts and sacrifices of the most liberal character. It was not sufficiently known to what a large extent the various towns were taxing themselves and what efforts they were making for the purpose in question. Only a week or two ago, in the borough he had the honour to represent, he assisted at the opening of a museum which had cost about £10,000, and this in addition to the maintenance of free libraries and other work in the same direction. They would take Birmingham simply as an example of what Provincial towns were doing. In that borough they were raising above £6,000 per annum from the rates; but this was barely sufficient for the free libraries and left nothing for art purposes. On the security of this rate they had spent since 1868 above £80,000 in building, furnishing, and maintaining their libraries. They had provided a small art gallery at a cost of £15,000 by private subscription. In 1878 they raised nearly £16,000 by subscriptions. They had just laid the foundation stone of a new art gallery, at an estimated cost of £50,000. Towards furnishing this gallery they had raised subscriptions to above £17,000. The Midland Institute stood on land now worth £30,000, given by the town. The Council of the Institute had purchased additional land, and were enlarging their buildings at a cost of £45,000, for which they had to rely on private subscriptions. While the people of Birmingham were making these earnest but insufficient efforts to supply their own needs, they were actually taxed to the extent of above £4,000 per annum for the support of parks, museums, and other institutions in London, towards which the people of London were paying

nothing whatever from their rates. As an example of how these art galleries and museums were prized and used in the Provincial towns, he would state that in the year 1877, the year before the fire which destroyed the building, there were 394,645 visitors to the Birmingham Art Gallery and Museum. The number of visitors to the general departments—excluding reading-room—of the British Museum in the same year was but 539,281. Adding the libraries and reading-rooms in both cases the number of visitors to the Birmingham Institution was 538,135. To the British Museum 699,511. The right hon. Gentleman might ask them to go for powers to increase the rates for these purposes. But it was useless in the present depression to attempt this, nor was it fair to do so. It was overriding the willing horse. So long as the present method of rating and taxation existed he thought it would be impossible to get all they needed without liberal grants from the Imperial taxes. The rates bore heavily on shopkeepers and others, who at these times found it often difficult to make ends meet, while many who were far more wealthy got off comparatively easy. Besides, in the great centres of industry there were often more people outside in the districts around than inside the boroughs. These all used the institutions of the borough, and it was well that they should do so; but they paid nothing to the rates, and could not, therefore, contribute to the support of the institutions which they enjoyed except through the general taxation. He found from the Estimates of 1880-1 that the total amount given from the taxes to support institutions in Dublin was £34,174, in Edinburgh £22,648. For London the total amount was £369,329. Of this sum above £100,000 was for the support of London parks, £254,757 for the museums. Not a farthing from the London rates went in support of these institutions. If the right hon. Gentleman disputed the claims of the Provinces, how would he defend this expenditure in London? What defence could he make, for example, of the £7,000 per annum granted for the Bethnal Green Museum, a purely local institution? The growth of population in and around such towns as Liverpool, Manchester, Leeds, and Glasgow was so enormous that it seemed to him absurd to apply the term national

exclusively to institutions maintained in London, Edinburgh, and Dublin. This question was not a local one, but one involving a principle of great public policy, one affecting the trade of the country generally, a matter in which the whole nation benefited, and towards which the whole nation should pay. Hon. Gentlemen opposite and on this side who represented counties and country interests were as much interested in it as were the Representatives of towns. If the trade of the towns was lost or diminished then the country must suffer in consequence. He hoped the right hon. Gentleman would not be satisfied by saying that they could get examples, casts, &c., from South Kensington at a great reduction on the cost price. He did not deny those advantages, and was grateful for small mercies. But they were considering a far larger question than that, and they could not remain contented with the crumbs which fell from the rich tables of London. He thought that when millions could be found for other purposes—often for very doubtful purposes—there should be no difficulty in granting, say, £200,000 or £300,000, for a work on which the happiness and prosperity of the country so largely depended. He would not detain the House by referring to the social advantages of these institutions, and to the extent to which they added to the happiness of the people. He believed that it was to institutions like these that they must rely in a large degree for the solution of many of these serious problems which affected and injured the social life of the people. He had only one thing more to allude to before sitting down, and it was this. This subject had occupied his mind very closely; but he had been always met with a great difficulty in the fact that the management of their National Institutions was in such a confused and unsatisfactory state. The British Museum was under one management, the National Gallery under another, the South Kensington Museum under a third. In the first two Institutions were many treasures stowed away which would give great pleasure and be of much educational value in the Provincial towns. This confusion of management was such a difficulty that early in the Session he drew up a Resolution affirming the necessity of placing these and similar National Institutions under

one responsible Parliamentary management. But this would not be sufficient. All their educational institutions were, or ought to be, connected and co-operating, and he believed that nothing would meet the case but the placing of all educational work under one management. The Vice President of the Council had under his care elementary education, the importation of cattle, endowed schools, South Kensington Museum, the foot-and-mouth disease, and 50 other matters. In next Session, if the House would permit, he would venture to propose that in this country, where the subject of education in all its branches was taking a position of more and more importance, there should be a "Department of Public Instruction" receiving the whole attention of a "Minister of Education." The hon. Gentleman concluded by moving the Resolution of which he had given Notice.

MR. SLAGG, in seconding the Resolution, said, the present was a very opportune moment for discussing the important question which had been brought forward by the hon. Member for Ipswich. When foreign countries were running us so closely in the industrial race; at a time when such nostrums as Reciprocity and Protection were dragged from their graves and presented in their ghastly ceremonies to the living generation as cures for the evils under which the country was now suffering, the time of the House might be very well occupied in considering how best to provide a remedy to meet the competition which British industries had now to face. There was no doubt that foreign nations were paying a great deal of attention to the promotion of those arts and sciences which related to industry, while we in this country were doing very little that was practical in the same direction. He did not for a moment wish to minimize the efforts that were being made in education, art, and science; but the question which had been so very ably spoken to that night by his hon. Friend (Mr. Jesse Collings) was one which he thought had not hitherto received the due consideration of the Government. He would not underrate the efforts made by the South Kensington Museum, and would, with the permission of the House, confine himself to a section of the subject which, he thought, might have the practical attention of the Education Department.

Mr. Jesse Collings

He referred principally to the reproduction and distribution of articles in our large museums. Those who visited South Kensington would, he was sure, be immensely gratified with the collection of reproductions not only of English, but also of Continental objects of art workmanship from the studios of Elkington and Franchi of Paris. These objects had been reproduced by the electrotype process in a manner so authentic and artistic as to be for all purposes, except those of connoisseurs, quite as good as the originals. At any rate, for art purposes they were so. He wished that the idea he threw out last Session that it was possible to reproduce these and distribute them among the museums of the country without cost, or, at all events, at the smallest possible cost, should now be carried out. He was aware that at present the art schools obtained reproductions at a reduction on cost price of 50 per cent; but that was not enough. The art schools which were teaching drawing were doing comparatively little towards teaching industrial art. He believed it was within the scheme of the Vice President of the Council to put the art museums of the Provinces on the same footing as the art schools; and he observed in the Estimates a sum of £1,500 which appeared to be intended towards this purpose. He believed the Education Department had done a great deal during the Recess in reproducing several important works of art, a large amount of the best college plate and the plate of foreign countries, especially of Russia, having been copied and added to our National Collection. But he must say that, although these articles were very beautiful and rare, they were more interesting as curiosities than as objects which could be usefully copied or advantageously applied to industrial art. All artists and authorities on this subject would agree that nothing was so useful for training the eye in the most perfect manner and for the guidance of taste as the antique model, and no country possessed such a splendid and abundant collection of antique models as existed in the British Museum. Not only did artists consider these objects to be the very best for training the eye and judgment in design, but on the Continent, and especially in France, it had long since been discovered in their

industrial schools that when copied by casts they were the best and surest means of teaching the students in matters of design and form. There were also in the British Museum unique and magnificent collections of drawings and engravings of the old masters, of coins, and also of medals. Many of these coins and medals had been already copied in an admirable manner by the electrotype process. He had no hesitation in saying that for all practical and educational purposes these copies were quite equal to the originals. The copies of the antique models were even better than the originals for the practical purposes of the art student. The two museums of London were, he agreed, the fittest home for all the original works; but, at the same time, he was firmly convinced that it would be an inestimable benefit to the country if a systematic process of reproduction were entered upon, so that every institution and school and even every individual in the Kingdom should know where to apply successfully for a copy of each object of interest in our National Collection. He would not attempt to under-rate what had already been done at the British Museum; but many articles were, as yet, not reproduced. The magnificent old engravings had not been copied as far as he knew. As to having a Minister of Education, he was not in favour of multiplying the appointments of Ministers. He would rather define their existing appointments a little more and develop their functions. He did consider, however, that it would be a very great advantage to have a responsible and independent head of all Art Collections, who would be enabled to command, in an intelligible manner, objects which were now scattered in a most puzzling way. Such a gentleman should be responsible for the reproduction scheme, and in his functions he should be assisted by the best artistic power of the British Museum and the National Gallery, in order to guide his operations. This was not a *dilettante* scheme, or one that emanated from painters and sculptors, because he had no intention of facilitating the increase of indifferent sculptors and painters, of whom there were too many already. His idea was purely an industrial one, as he wished to give every possible assistance to the development of industrial arts and sciences. He would briefly allude, in conclusion, to another

aspect of the case. In the large over-populated towns there were many quarters where men and women lived unlovely and squalid lives, apart altogether from all influences of beauty and refinement. While they complained that their lives were to some extent degraded, their tastes debased, and that they had little aptitude for the enjoyment of refined occupations, he thought they were apt to forget how few opportunities these people had of being brought into association with that which was elevating and refining. He spoke for those who lived in those slums, to whom such associations would be of inestimable value. They would appreciate them, and that they did appreciate them was shown by abundant evidence, for when these collections were sent down from the South Kensington Museum to the large towns people went in crowds to see them. His hon. Friend the Member for Ipswich (Mr. Jesse Collings) had pointed out what had been done in Birmingham to provide habitations for such collections. In his (Mr. Slagg's) own constituency a very handsome and commodious art museum had lately been acquired by the Municipality. It was impossible that they could fill it themselves. Original objects were daily becoming more difficult to acquire; and those not purchased already would, it seemed likely, very soon be bought up by the South Kensington Museum. They must, therefore, look to the reproductions of which he had spoken. They wanted systematic collections, and complete series of these objects issued in such a manner as to suit the especial trade or industry of the district. The House was aware that a Royal Commission had been appointed to investigate the art schools on the Continent. He had the honour to be placed on that Commission, and he looked forward with extreme interest to its proceedings. He believed it would put the House in possession of facts which they were not aware of in regard to the efforts of foreign nations. The subject before the House would grow in importance, and he hoped the Department of his right hon. Friend would take time by the forelock and bring forward some scheme for filling the museums in the Provinces, as the time was very near at hand when the Provincial people would demand such aids to their industry and manufactures.

Mr. Slagg

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, grants in aid of Art and Industrial Museums should not be confined to London, Edinburgh, and Dublin."—*(Mr. Jesse Collings.)*

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. ECROYD said, he had great pleasure in supporting the proposition of the hon. Member for Ipswich (Mr. Jesse Collings). He was strongly in favour of giving such instruction to our artisans, who were, at the present moment, unable to compete with their more highly educated competitors abroad. Very strict limits, however, must be placed upon the aid so given, as it was not possible to extend it beyond the great cities and the large towns, which were the real centres of our important industries. Such an education would have, he was convinced, a most important social and political bearing on the minds of the people. Whatever was done to encourage a knowledge of art in great cities and towns must be done at once, and would be perfectly justified; and he had no doubt that the results would more than repay the cost of the aid given. He quite agreed with the hon. Member for Ipswich as to the admirable intelligence and industry which the English workman threw into his work with such success, uneducated though he might be, in the technical sense of the word, as compared with those who had enjoyed greater advantages. He was glad that the hon. Member for Manchester (Mr. Slagg) had supported the Resolution, although he thought it was quite unnecessary that he should have dragged into the discussion this matter of Reciprocity. He must confess himself that he did not know what Reciprocity meant; but those who were high authorities upon great commercial questions and the conditions of manufacturing industry attached the greatest importance to Reciprocity, and Mr. Cobden himself held it out as an inducement to the country to adopt a Free Trade policy. The hon. Member for Manchester, however, appeared to have seen a great deal further than his master, Mr. Cobden, ever saw; but he did not think he would ever succeed in

convincing the country that Reciprocity would be affected by the proposal before the House. In so far as such technical education could help them in their home trade, it would, he readily conceded, be productive of the greatest good. At the same time, it would never enable the hon. Member for Manchester to send calicoes to India in competition with Germany in face of duties of 50 per cent. He felt great interest in the statement the right hon. Gentleman the Vice President of the Council had made, and he hoped that these alterations in the Code would be productive of very great advantage to the country. As far as he could understand them, they seemed to be made in a right and reasonable spirit, and he had no doubt they would be carefully examined by all those interested in regard to education. He hoped that nothing would be done to injure voluntary schools. He had no doubt that the subscriptions in aid of the work of voluntary schools represented on the part of the givers a personal interest in education which could never be replaced by grants made by the State. He might allude very shortly to the question of compulsion.

MR. SPEAKER: I must point out to the hon. Gentleman that the Question before the House is "That Mr. Speaker do now leave the Chair," and that the more convenient course would be for the House to dispose of the Amendment before the general subject of Education is discussed.

MR. ECROYD said, he recognized the right hon. Gentleman's ruling, and would only add, in conclusion, that he felt great interest in the Motion brought forward by the hon. Member for Ipswich, and he sincerely hoped the right hon. Gentleman would be able to meet the desires of the great constituencies referred to.

MR. STORY-MASKELYNE said, he hoped the hon. Gentleman the Member for Ipswich would understand that in going counter to his proposition to expend public money to help Birmingham he was not without sympathy with the hon. Gentleman's objects. He did not in the smallest degree underrate the advantages of the institutions of which the hon. Member had spoken, whether from the point of view of technical education or from a higher aspect as civilizing agencies promoting the culture of the people. At the same time, he should like

to know how the proposition he made was to be limited. How were they to select the towns to which it was to apply or to keep the expense within due bounds? Was the hon. Gentleman going to give to the House a schedule of those towns to which his benevolence would be applied? What would he do with regard to the question of free libraries? If it was right to spend the national funds on Provincial museums, simply because they were beneficial institutions, it would be equally right to assist in providing every small town in England with a free library out of the public funds for the same reason. His constituents lived round the head waters of the Thames. They had to contribute to the restraining and civilizing that river in places some way from their abodes; and because the dredging of the Thames helped to drain some of their lands they had to bear the cost. They did not ask the people of Birmingham to do this for them. Why were they then to pay for the civilization and higher education of Birmingham and its neighbourhood? Should not the same principle apply at Birmingham as in the Thames Valley? Why should not Birmingham provide a Museum for itself? Was Birmingham too poor to do what Manchester had done? A half-penny rate levied on the Black Country would yield all that Birmingham desired, and why did not the hon. Gentleman ask for powers to levy such a rate? On all the rest of the points he was at one with the hon. Gentleman. Indeed, he did not rise merely to oppose the Motion of the hon. Gentleman, but to show how, in his opinion, the great National Museums could aid those in the Provinces. They could aid them with very uncostly but very valuable reproductions, and they could aid them by training good men to look after their museums. Nearly every work of art in metal in the British Museum and South Kensington could be so reproduced that, for all educational purposes, the copy would be as good as the original; and those which could not be copied might, from time to time, be sent down to Provincial towns for exhibition. His own experience justified him in saying that a really good curator of a museum could not be made in a day; and in setting about establishing museums, they must remember that it was the man who made the collection, and not the collection which made the

man. A collection was of no use whatever without a man who understood and arranged and catalogued it. When he was an officer of the British Museum he often wished there had existed some solidarity between the department of which he was keeper, and similar departments in local Museums. He could have kept them informed of opportunities as they arose for purchasing mineral specimens, and all the more economically because on a more considerable scale, when the purchases might be made for several institutions simultaneously. While the National Museums could thus put the authorities at Birmingham or elsewhere in the way of buying things for their museum economically and well, he thought that such great towns ought to spend their own money for purposes of that kind; and, therefore, if the hon. Member went to a division he should vote against him on that point.

Mr. CAINE said, he had felt very strongly on this subject for many years, and he should have very great pleasure in supporting the Amendment of the hon. Member for Ipswich; and if anything were needed to prove that some intimate connection existed between the great National Museum in London and those minor galleries and kindred institutions in the Provinces, it had been supplied by the hon. Member for Cricklade. He had spoken of the difficulty in limiting these centres of population, and as to whether the grants should be given in money or in kind. For his own part, he thought more valuable articles could be given in kind. There seemed to him little difficulty about the limitation. The Government might support by such grants any town whose Town Council had already erected or acquired premises in which such collections could be suitably stored and exhibited, provided those authorities, whether Town Councils or otherwise, undertook the entire responsibility of their care and safe return, insuring them while there. He ventured to say a word in support of using the present collections for the purposes of the Provinces. He appealed to the Government for some assistance in the shape of loan exhibitions for the valuable institutions which the Earl of Derby, Mr. Mayer, and others had so munificently given to Liverpool. He had taken a close interest in everything connected with

science and art education in Liverpool for many years, and he had noticed how all students in science and art, especially in art, were handicapped by the want of works of art by great masters which they could study. Duplicate etchings and engravings could be taken out of the collections in the British Museum without interfering with the efficiency of National Collections, and these might go on loan to the various art galleries throughout the country, to encourage and foster one of the most growing arts in the country. The hon. Member for Preston had drawn attention to the great amount of foreign competition interfering with their trade and commerce. He did not intend to enter upon the question; but there was one branch of reproductive art—that of etching—in which competition from France completely extinguished all native talent. He attributed this to the difficulty that art students had in getting full opportunities, even in the British Museum, of studying it. He had always held that it was the first duty of the British Museum to take suitable premises to display a series of educational engravings and etchings, showing the art from the very earliest date down to the present day. That could be easily done, he believed, and many artists in Manchester, Birmingham, and Liverpool, who were giving great attention to this reproductive art, found it impossible to study as they would wish to in consequence of the difficulty of getting access to subjects. Liverpool had made rapid strides within the last 10 years in this respect, and the Art Galleries there had been of very great service to young artists, entirely owing to the great energies of the members of the Corporation. In establishing a permanent Art Gallery in Liverpool, there had sprung up a School of Art that was known as the Liverpool School of Painting, especially of water-colours. He thought a selection might be made from the collection of etchings and engravings in the British Museum that might be framed in strong frames, and sent on circuit throughout the country. He did not say the British Museum should part with its treasures; they should always keep a hold of and constant watch over them. But they might spare them on loan, and do a great service to art and every artistic manufacture throughout the country. It was impossible for young Provin-

cial artists to come up to London to go through their art education in the Metropolis on account of the expense it entailed. Throughout France there were local collections of art, which were of the greatest value technically; and if they were to maintain their supremacy in art manufacture, the Government must take the matter up and attempt to settle it on the lines of the Motion of the hon. Member for Ipswich. It was most important that the curators of all the departments of these great museums should have distinct instructions given them that when collections came into their hands at fixed prices, as they generally did, and for a given time, those offers should not be parted with until those in charge of Provincial museums and Art Galleries had been communicated with. Liverpool devoted £3,000 or £4,000 a-year to the purchase of works of art, and those in charge would be only too glad if the authorities in the British or South Kensington Museums would communicate with them when anything came into their hands. There was a general impression in artistic circles that in the National Gallery—in the cellars and garrets—there were hundreds, if not thousands, of etchings and water-colours by Turner, rolled up and never seen, simply because there was no room to exhibit them. He trusted if that were so, the authorities of the National Gallery would unearth these invaluable works of art and have them properly mounted, and lend, if not give them, to some of those great institutions spoken of in that discussion. The committee of the Liverpool Corporation would only be too thankful to have a loan of a number of Turner's works, and he was quite sure that artists would take large advantage of them.

Mr. G. HOWARD said, he was sorry the hon. Member for Cricklade (Mr. Story-Maskelyne) found it necessary to oppose the Motion. He (Mr. G. Howard), however, rose to correct the erroneous statement made by the hon. Member for Scarborough (Mr. Caine), that there were great stores of Turner's drawings hidden in the cellars of the National Gallery. There was a large collection of such drawings, which had been mounted, and were exhibited in a room on the ground floor, the only place available for the purpose, but which was fairly lighted. The drawings were kept on shelves, from which they could be

conveniently taken when anyone wanted to examine them. It was considered better to keep them in this way on shelves, as they would be liable to fade if exposed to the light; but a certain number of them were always open to public view. Three loan collections of Turner's drawings had been formed, and they were from time to time sent on loan to Provincial museums. The Trustees of the National Gallery were anxious to do all in their power to make their art treasures generally available for the public benefit. At the same time, he would recommend that the South Kensington Museum, which possessed a valuable collection of moulds made for the casts exhibited there, should distribute, as they might do, at a comparatively slight cost, a number of the best casts throughout the country.

Mr. WIGGIN said, he should support the Amendment of the hon. Member for Ipswich. It was impossible for persons in the country to come up constantly to London to visit the Metropolitan museums, or attend the professional art and scientific lectures. On this ground the Central Art Department ought not only to supply the Provinces with proper examples of art manufacture, but, further, ought to constitute the Professors at South Kensington peripatetic, in order that they might visit the large centres of industry in the country. The Government ought not to hesitate for a moment, considering the importance of the matter, to vote a large sum of money to the Education Department that these objects might be carried out.

Mr. MAGNIAO said, that although a strong opinion had been expressed by his hon. Friend in favour of the Amendment of the hon. Member for Ipswich (Mr. Jesse Collings), he trusted that it would not be adopted, because he feared it would interfere with the question being dealt with in its entirety. The fact was that they had not got a really National Museum. They had instead a congeries of museums, each being more heterogeneous in its collections than the other. Their Governing Bodies were selected on the most extraordinary principles. The British Museum had 16 Trustees, nine of whom were elected on the ridiculous principle that they were the descendants of particular families, while the balance were selected because it was supposed they possessed a *quasi-*

dilettante knowledge of art. Owing, however, to the system they had to administer, the institution was in a state of stagnation. It was not doing the work which it was intended to do, and, from its constitution, it could not do so. It was managed under an old Act of Parliament, which the Trustees had never sought to have altered. Only last week he asked one of the Trustees whether it was contrary to law that they should lend for exhibition some of the works of art which the museum contained? In reply to that question he was told that it would require an Act of Parliament to enable them to do so. But that was a matter which ought to have been remedied long ago. It was, he believed, the absolute duty of the Trustees to have had a Bill brought in to put an end to that state of things, and he could not doubt that the House would pass such a measure. Then they had the National Gallery, which he believed was even more conservative than the British Museum. What he meant was that there was even a greater absence of power to act in the Governing Body of the National Gallery than there was in that of the British Museum. The institution had six Trustees, one or two having been Trustees for many years. One was a Colonial Governor; and if he could manage the affairs of the National Gallery while in a distant Colony, it was evident that there could not be much to do, or else that everything was managed on the drifting principle. Another held an office in the Foreign Service, and he had been absent for a long time from England. The Curator, by some strange and anomalous arrangement, was almost invariably a past Royal Academician. Then they had the South Kensington Museum, where his hon. Friend could find an exemplification of the principle which he desired to have extended. But though the Governing Body were able, active, and zealous, they could not do all the good they might do, and which the country not unreasonably looked for from them. He was not able to give the figures for the last year, as the Report of the Museum for 1880 had not yet been presented; but he saw by the Report of 1879 that through the agency of the circulating department of the South Kensington Museum no fewer than 1,670,000 persons had been enabled to visit exhibitions of art objects sent from South Kensington to the large Provin-

cial towns. That which was the case with South Kensington ought to be the case with the British Museum and the National Gallery. His hon. Friend the Member for Ipswich proposed by his Amendment to give grants of sums of money to Provincial museums to purchase works of art for themselves. But he should remember that every acquirer looked upon every other acquirer with feelings of hate and mistrust; and he feared that those feelings would not be absent from the minds of the conductors of the Provincial museums, who would thus be enabled to go into the market and bid against each other.

MR. JESSE COLLINGS said, his suggestion was that the South Kensington authorities should make or sanction the purchases.

MR. MAGNIAC said, there was one real remedy which ought to be adopted—namely, the establishing of a central department to govern all those bodies. This was certain, that it was impossible things could be left much longer in their present state—some suffering from stagnation, some from incapacity, and others from uselessness. The first thing the Central Body should do would be to classify all the existing collections. At the British Museum, for example, there was a magnificent collection of etchings, engravings, and drawings by the great masters; while many of the originals were in the National Gallery. They ought to be together, for the object of all collectors was completeness; and the same observation applied to South Kensington, which had recently entered on the domain, one not its own, of classical antiquities. That very day he had seen in the National Gallery three of the most deplorable specimens of pictures that had ever been placed there. Probably they never would have been placed there at all if we had had a governing authority which was competent to put its foot down on purchases of this kind. The appointment of such an authority would also be a remedy for the state of chaos in which some of our museums were placed by bequests and gifts of objects of classical and mediæval antiquity, and objects of art and of natural science, which were left or presented on the condition that they should all be kept in one place. Probably the objection of testators to the unnecessary dispersal of their collections would be removed if they knew that the objects they

bequeathed would be distributed in suitable quarters by a responsible central authority. In conclusion, he would express a hope that the right hon. Gentleman the Vice President of the Council would find time to deal with this question. No method of making grants in aid, however well meant, could effectually grapple with the subject, which ought to be dealt with in the manner he had indicated.

MR. MUNDELLA said, he was very sorry to interpose in the discussion, which, he admitted, had been productive of great advantage; but he would ask his hon. Friend the Member for Ipswich (Mr. Jesse Collings) to withdraw his Motion. He (Mr. Mundella) fully recognized the importance of the question, and entirely sympathized with the desire of his hon. Friend the Member for Ipswich that Municipal Museums should be established in the principal towns in England and should receive some assistance from the central authority. But assistance in the shape of lending valuable works of art could not be given by the Government to all the museums in England. To the existence of the South Kensington Museum was due the fact that every considerable Provincial town was desirous of having a similar institution of its own. Increase of appetite grew from what it fed upon. The question was, how the desired object was to be attained? Was it to be attained by means of grants from the Imperial Exchequer? He asserted that that would be impossible. Even if the thing were possible, it would be wrong to come to the Exchequer and say—"You must set up a museum in every great town in England." The thing was impossible owing to the rarity of the objects—even the duplicates—to be exhibited, and they were becoming more scarce and costly every day. It would be utterly impossible, for example, to collect another South Kensington Museum. His hon. Friend asked that grants for these works of art should not be confined to London, Dublin, and Edinburgh; and another hon. Member (Mr. Wiggan) said your Science Professors and your mining engineers should not be confined to London, but should be peripatetic. "They ought to go into the mining districts, and teach those engaged in mining and other industries their business." Now, what did the Mining

School in London exist for? There was no mining business in London; but the school was there because it was a great centre, and it existed solely for the Provinces and other districts in England. His hon. Friend seemed to think the South Kensington Museum existed exclusively for the benefit of London. He (Mr. Mundella) was only responsible for one portion of that Museum—the Science and Art Department. That Department existed infinitely more for the Provinces than for London. His hon. Friend (Mr. Jesse Collings) expressed surprise. Let him point out to him that, although he put a Notice on the Paper, asking the House to declare that these grants should not be confined to London, Dublin, and Edinburgh, but should be more equally distributed to the Provinces, that was exactly what was done in the case of those grants. Of the Science School and Science grant, £33,842, or 84 per cent, went to the schools in the Provinces, while £6,386, or 16 per cent only, went to the schools in London, Dublin, or Edinburgh. Again, of the aid grant to art schools, £22,510, or 78 per cent, went to the Provinces, and only £6,461, or 22 per cent, to London, Dublin, or Edinburgh. The sum of £8,594 was given to the School of Mines, practically for instruction entirely for the Provincial industries. He would now take the art training schools in London, Dublin and Edinburgh, which trained nearly all the teachers in the United Kingdom. Of 150 and odd art schools in the country, the teachers in about 130 schools had been trained at South Kensington Local Schools, also, had the privilege of purchasing works of art and necessities at prime cost. Surely that was encouraging art in the Provinces. A special Report had been published of the circulation of art objects belonging to South Kensington Museum. Every Member of the House could ascertain what had been done. They had a large staff, working at its fullest strength, engaged in circulating the South Kensington works of art. He had no wish to reflect on the British Museum or the National Gallery; but he would say, if there was one institution which did its work effectually, and which had been worked to the very fullest stretch of its capacity, it was the South Kensington Museum. Indeed, his own friends were in the habit of

complaining that whenever they went to that Museum to see some particular work of art the case was empty, and a label announced that it was lent, to Birmingham or some other Provincial town. The number of art objects, paintings, and drawings, estimated at five years' purchase, alone circulated in the Provincial towns in 1880 was 9,437; of scientific apparatus, 1,970. Examples were circulated in 55 institutions. The cost of circulation amounted to £4,659. He thoroughly agreed with the Mover and the Seconder of the Resolution in reference to our local industries. He believed the hon. Member for Manchester (Mr. Slagg), who was about to serve on a Technical Education Commission, would find that no country in Europe was doing as much for art, as applied to manufactures, as was being done in this country at this moment through the medium of the South Kensington Museum. How they could assist these museums was in the matter of reproduction. His hon. Friend seemed to overlook the fact that for the first time this year a Vote of £2,000 would be taken for reproduction of works of art, ancient and mediæval, and Votes of £1,500 under sub-head 4. Objects which would cost £3,000, and whose value would be more than double that amount, would be given for the small contribution of £1,500 from the localities. If the sum was not larger it was not his fault; he had done his best to make it larger. His hon. Friend hoped that he would not fall short of the promises made by the noble Lord the Member for Middlesex (Lord George Hamilton) in 1877; but he thought he had gone a good deal beyond the noble Lord. The noble Lord said, on the occasion referred to, that the present was a time when the resources of the country were strained, and a strict economy was very properly exercised by those who had control of the public expenditure, so that the hands of Ministers in charge of the various Departments were much tied. The noble Lord added that the Government would not overlook the matter, which would receive careful consideration, and when it came under discussion next year he hoped the Government would be able to give an opinion one way or the other. That was what was said by the noble Lord; but this year the Government were prepared

to give £3,000 for reproductions, which the Provincial towns might have for half the cost if they would only begin to help themselves. When he sat below the Gangway, for three years in succession he brought in a Bill to enable every locality to rate itself under the Free Libraries and Museums Act to the amount of 2*d.* in the pound. The Municipalities ought not to be fettered in the way they were at present. This House unduly exercised a controlling power when it said that for free libraries and museums only a rate of 1*d.* in the pound would be allowed. A second 1*d.* would pay for the museums; and, what was more, local liberality would be developed to an enormous extent. In Birmingham one person alone had subscribed £8,000, and a few others £7,000 more. That was only a beginning, and he was as sure as he was of his existence that in a few years Birmingham would have a fine museum. Such institutions were, of course, not built in a day. The collection at South Kensington was the laughing-stock of the country for a long time; but now the public had come to appreciate its value. It was rather discreditable to us that we had no gallery of the finest casts. At South Kensington they had resolved to have a gallery of casts. They were prepared to have Votes year after year for the purpose, and if those Votes went on increasing he should be the better pleased. His hon. Friend ought to be satisfied with what had been already achieved. It was due to the persistency and eloquence of the hon. Member for Manchester (Mr. Slagg) that they had a Vote on the Estimates this year. Let his friends in Manchester and Birmingham and elsewhere accept what the Government were doing this year, and next year he should be happy to see what the Treasury would do for those most useful institutions. The cultivation of the love of beauty and the feeling for art workmanship would be of the greatest benefit to the Provinces. If the matter was once set on foot, local liberality would come to the aid of local rates, and with such duplicates as the Department was prepared to give the towns would have splendid museums. He must remind the House that it was not by grants from the State that the great towns of Italy, Germany, and other countries created their museums; but it was by

the spirit and local patriotism of their citizens which made people proud of their towns. He did not think that Liverpool, Manchester, or Birmingham was deficient in that local patriotism which characterized Florence and other cities which were distinguished on the Continent for their devotion to and cultivation of art.

SIR JOHN LUBBOCK said, he begged the House to distinguish between what the Trustees of the British Museum could do legally and what they could not. Several things which had been alluded to on the present occasion were entirely beyond their powers. The hon. Member for Bedford (Mr. Magniac) wished that the Trustees should hand over their prints to the National Gallery. The Trustees had no more power to hand over those prints than his hon. Friend. They were strictly tied down. He was sure he might say that the Trustees were ready to consider any suggestions which might be thrown out; but it was hardly fair to blame them for not doing what they had no power to do. Then his hon. Friend said that the Trustees might have brought in a Bill to enable them. He did not think it was for the Trustees to do so. In 1678, an Act passed through that House enabling the Trustees to give away duplicates, and from that moment they were endeavouring to carry out the object of the Act as faithfully as they could. They had in the British Museum, perhaps, the very finest collection in the world, of which the nation might well be proud. He hoped that his hon. Friend would for the present be contented with the discussion that had been raised, and would not go to a division. There was evidently so much to be said in favour of reconsidering the position of the National Museums, that the whole subject might, perhaps, be discussed with advantage another year.

MR. ILLINGWORTH said, he was quite willing to bear testimony to the readiness with which the authorities of the South Kensington Museum had assisted the efforts which had recently been made to establish a local museum at Bradford. His right hon. Friend the Member for Sheffield (Mr. Mundella) had cheerfully complied with the request which had been made to him. His hon. Friend the Member for East Cumber-

land (Mr. E. S. Howard), with equal readiness, when an application was made to the National Gallery, undertook, on behalf of that institution, to do all that he could, and the result was that a valuable collection had been lent to Bradford. It was not known or anticipated at Bradford that these liberal concessions would be made, and the grants had been received with the greatest gratification and surprise. He suggested to his right hon. Friend the importance of letting it be generally known that these collections at South Kensington and elsewhere were available for the use of localities even if it were only for a short period. But he confessed that he was not altogether satisfied with the position of his right hon. Friend. He had said that it was necessary to keep the great originals in London, where they would be sufficiently guarded. He thought that some of these great pictures and objects of art would be a great ornament to local museums, and it would be a relief in many instances to overcrowded galleries in London to send them away. He thought that, so far as educational results were concerned, the Provinces would receive as much benefit from these exhibitions as the people of London did. He might go further, and say that it was of the greatest importance, in regard to the industries of many parts of England, that there should be higher education in arts and science. He quite agreed that the National Exchequer should not be liable for the whole of the attendant expense; but wherever districts had shown a desire to have these collections, and to establish a course of art studies, such as Manchester, Liverpool, or Birmingham, he thought the Department should deal with these localities in a liberal way. His right hon. Friend had pointed out that a sum of £1,500 for this year had been set aside for the distribution of art objects, in addition to £2,000 for their reproduction; and he held out that as an earnest of better things to come. He must say that to him the sum appeared to be contemptible. An hon. Friend sitting near him had said the figure must be £150,000. He should have been satisfied, too, if that had been the figure. The sum of £1,500 was altogether inadequate, and almost an insult to the country. He must ask his right hon. Friend to bring greater pressure

upon the Treasury; and he suggested that if economy were to be practised, as he argued was desirable, it should be carried out in the direction of saving the tons of gunpowder that were blown away in gunnery experiments and such like. It had been said that London was a convenient centre for these collections, and that the art objects there exhibited were accessible to persons from all parts of the country. But there were many struggling young men throughout the country who would be eager to avail themselves of these treasures if they were within a short distance of their homes; but the expense of a journey to London and of remaining there for such a time as to make their studies valuable was a very serious matter.

Mr. ANDERSON wished, in the first place, to acknowledge in the strongest terms the manner in which the South Kensington Museum authorities assisted with loans and articles for exhibition those localities which desired such assistance. He had occasion recently to go with a deputation from Glasgow to the Department on this subject, and he could assure the House they were met more than half-way. The Department was now engaged in making a selection of most valuable articles of Oriental art to be sent down to an exhibition in Glasgow. He did not think, however, that the right hon. Gentleman had really met the question before the House. There was a want of management in connection with the great museums—the National Gallery and the British Museum—which was very much to be condemned. Only the other day, two pictures by David Roberts were bequeathed to the nation; but the National Gallery, having already pictures by that artist on its walls, refused to accept them. Why could not these pictures have been taken by the nation, put into a circulating department with others, and sent round the country? Simply because the National Gallery happened to be crowded, valuable pictures of this kind were declined as a bequest. The main point of his hon. Friend (Mr. Jesse Collings) was the treatment of the Provinces as compared with London, and that was a complaint which he (Mr. Anderson) had been making ever since he came into the House. London had everything done for it, and did nothing for itself; whereas Provincial cities did everything for them-

Mr. Tillingworth

selves, and were left to do so. At present, grants were only given to London, Dublin, and Edinburgh. They were given, he believed, to Edinburgh and Dublin because they were considered as Metropolitan; but the industrial museums were misplaced. There was an industrial museum at Edinburgh supported by the State; but Edinburgh was not an industrial city. Glasgow and Dundee were the two chief industrial towns in Scotland, and they, if any, ought to receive such assistance from the State. Some hon. Members objected to anything being done for industrial towns; but urged that grants should only be given for the Metropolis. But they seemed to forget that the prosperity of the Metropolis depended upon the prosperity of the Provincial towns, and the prosperity of those towns was only to be kept up by doing everything we possibly could to promote the technical education of the people of those towns. It was from that point of view that he ventured to support the Amendment of his hon. Friend the Member for Ipswich.

Mr. MONTAGUE GUEST wished to point out that the British Museum had a valuable collection of engravings which no one hardly ever saw. Some time ago, when an exhibition of engravings was held at Burlington House, the British Museum did not come forward and contribute to that exhibition, so that the public had no opportunity of seeing what engravings the nation possessed.

SIR JOHN LUBBOCK: The Trustees of the British Museum have no power to lend their collection of engravings.

Mr. MONTAGUE GUEST thought if that was the case it would be a good thing to give the Trustees that power. Those engravings, if they could be seen by the public, would do much to improve the artistic taste of the people.

Mr. WOODALL said, most of them who had experience in museums must know that what was wanted was not merely permanent collections with which people became familiar and in time very weary, but that which was continually fresh, suggesting new lines of thought; and it was because it accomplished that particular end that he wished to tender his strong acknowledgments of the very great value of the circulating department of South Kensington. That system of circulation where local museums were

established had worked very well for a number of years with very contracted material, and it was only within comparatively recent times that works had been taken out of the museum proper and sent circulating round the country. With the encouragement of the House, and such pressure as the House could exercise upon the Government, strengthening them in that Resolution, he saw no reason why the whole of the South Kensington Museum should not be made available throughout the Provinces. It appeared to him that their aim should be to encourage, strengthen, and extend this system, rather than to ask for aid for the purchase of a permanent collection, to be kept in the local museums. He might mention that in his own borough there were three museums at that moment which were aided by grants from the circulation department. Recently, when they wanted a collection of Japanese examples a certain sum of money was subscribed in order to secure the 50 per cent aid given by the Department. The result was they obtained a very valuable collection; and while this could be done, it was unreasonable to ask the House to pass a Resolution to the effect that grants in aid of Industrial and Art Museums were not to be confined to London, Edinburgh and Dublin. He would only ask that in granting this aid the Department should abolish the distinction which had been a little embarrassing in limiting the aid to Museums in connection with Schools of Art.

MR. MUNDELLA : That has already been done.

MR. WOODALL said, he was glad of that. Where localities had provided free libraries and established museums, they gave the Department an assurance that objects sent to them would be cared for, and proper facilities afforded for the public seeing them. One other suggestion was that the value of these objects of art sent down from time to time would be largely increased if a system of lectures were organized for the purpose of giving an exposition of the objects themselves.

Question put.

The House *divided* :—Ayes 48 ; Noes 85 : Majority 37.—(Div. List, No. 360.)

Main Question proposed, "That Mr. Speaker do now leave the Chair."

SCIENCE AND ART DEPARTMENT,
SOUTH KENSINGTON — UNITED
WESTMINSTER SCHOOLS OF ART—
CASE OF MR. GOFFIN, THE HEAD
MASTER.—OBSERVATIONS.

LORD GEORGE HAMILTON, who had the following Resolution on the Paper :—

"That the retention by the Governors of the United Westminster Schools of Mr. Goffin as head master of that public institution, after he had, by a Select Committee of this House specially appointed in 1879 to inquire into his conduct at the request of the Governors of the Schools, been found guilty of a systematic course of fraud, falsehood, and subornation, is a public scandal, and as such demands the immediate attention of the Education Office and Charity Commissioners,"

said, it was with great regret that he was compelled, in the interest of public morality, to call the attention of the House to this case; but the issues involved were so grave, and so affected, not only the whole system of science instruction provided and paid for by the State, but so directly impugned the honour and authority of the House of Commons, that he had no alternative, even at this period of the Session, but to bring the matter before the House. He was afraid, however, that if he had been able to put his Resolution it would have been regarded as couched in strong language; and, therefore, unless he laid before the House the full details of the accusation it might appear so incomprehensible as not to be worthy of credit. It was necessary, in the first place, that the House should remember the principle on which these science and art examinations were conducted and the method of payment consequent thereon. All moneys paid through the Education Office or the Art and Science Department to managers of schools for the support of schools or classes were dependent upon the results of certain prescribed examinations. In elementary schools these examinations were conducted in person by the Education Inspectors and they ranged over the whole year. For art and science there was a different system. The examinations were conducted by printed papers issued at a certain given date to all the schools and classes in the Kingdom; the examinations were held simultaneously, and all the papers were then sent back to the Art and Science Department, were examined by the various Professors at

South Kensington, and for every child or individual who passed a certain test in any one or more given subjects a payment of £1 per head for each subject so passed was paid to the school or class in which he had been taught. A certain interval must necessarily elapse between the date at which these examination papers were distributed by South Kensington and the day upon which the examination was held, and during that period the secretary or committee of the School of Arts were specially responsible for their safe custody. As an additional precaution against fraud, two members of the committee were requested to personally vouch by their signatures that the regulations and conditions of the Department had in every sense been complied with. Upon the faithful fulfilment of these duties depended the whole system of examination; if the committee thoroughly performed their self-imposed duties, nothing could be simpler and more satisfactory than its working; if they neglected them, the examination might become a fraud of the worst description, inculcating deceit and dishonesty into the minds of the children examined. The payments made for teaching science far exceeded those paid for elementary instruction. Few elementary schools obtained for all the subjects taught under the Code a payment of £1 per scholar, whereas every pass in science brings in £1, and many students take up several science subjects at a time. During the time he was at the Education Office, a good many instances of fraud in connection with these art and science examinations came before him; in almost every instance they were the result of negligence on the part of the committee or governing body of the school. Of the unhappy cases by far the worst were the frauds of Mr. Goffin, the present head master of the Westminster United Schools. These schools were established by a scheme of the Endowed Schools Commissioners, and were supported by funds previously administered by the Corporation of London. They were among the largest middle-class schools in the Metropolis, containing over 600 boys. Being secondary schools, they were not under the Education Department, and the only authorities having any indirect control over them were the Charity Commissioners. Mr. Goffin, an elementary certificated teacher, was

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in 1874, at a salary of £500 per annum, appointed head master of the schools by the Governing Body, of whom the hon. Baronet the Member for Maidstone (Sir Sydney Waterlow) was the chairman. Mr. Goffin proceeded to establish art and science classes in connection with South Kensington, and the payments made for such teaching through the Governors were, in 1875, £86 to Mr. Goffin, £8 to an assistant; in 1876, to Mr. Goffin £355 10s., to the assistant £41—total, £396 10s. In 1877, to Mr. Goffin £386, to the assistant £65—total, £451. These payments were all made upon the certificate of the Governors that all the precautions and regulations of the Department had been fulfilled to the letter. Very shortly after he (Lord George Hamilton) was appointed Vice President of the Council. In May, 1878, two days after the science examination, Colonel Donnelly, the head of the Science Department, was visited by a man, who said that, as a matter of duty, he felt compelled to inform him of what was going on in the Westminster Schools. Though not a master himself, he had a brother in that Institution, who told him he believed that by some means Mr. Goffin got hold of the papers before the examination, as the "tips," which was the term given to his lessons just previous to the examination, were undeniable answers to the questions set. His brother, to test the nature of these "tips," got the notes of a boy taken at a chemistry lesson just previous to the examination. These notes were given to a master of the name of Hall, who was going up for the same examination, but had not been present at this lesson, as soon as the chemistry examination was over. On comparing the notes with the examination paper, Colonel Donnelly's informant discovered that they were eight direct answers to eight of the questions set, the number of questions to be answered at this examination being limited to eight. The name of the boy who took the notes was unknown to him. Colonel Donnelly was much startled by this information. If the notes were authentic, Mr. Goffin's guilt was clear; and if one master had knowledge of the contents of the examination papers, it was not unlikely that others might have obtained similar information. Colonel Donnelly immediately took with him to the schools two experienced Inspectors, Mr. Iselin and Captain Abney, and they informed Mr. Goffin of

the nature of the charge they had to make without mentioning the name of their informant. Mr. Goffin denied that he was guilty. An examination of the boys took place, characterized by much shuffling and prevarication on their part, and certain of their note-books with difficulty were secured. The evidence thus obtained was, in the unanimous opinion of the officers, conclusive proofs of the authenticity of the notes; for the note-books corroborated the notes in all particulars. Colonel Donnelly expressed himself in strong terms with regard to the shuffling answers of the boys, and sent the notes to him (Lord George Hamilton). When he said that he submitted this matter to experts at South Kensington, he hoped the House would recollect that there was a combination of talent there such as there was, perhaps, not to be found in any other Department, including Professors Huxley, Roscoe, and others, whose names were of European celebrity. Throughout the whole of this painful case complete and absolute unanimity prevailed among these gentlemen concerning the charge against Mr. Goffin; while, on the other hand, the opinion of men of immense practical experience in the Education Department at Whitehall had been equally clear. He (Lord George Hamilton) went through the case with the utmost care, and in his opinion the internal evidence was overwhelming; but before coming to any final decision, the Department communicated with the Governors, asking for their views; they, in turn, asked for a more detailed charge, which was given them, though he declined to part with the evidence and note-books of the boys; but, at the same time, suggested to the Governors a visit to South Kensington to enable them to see the nature of these documents. The Governors then held a perfunctory inquiry of their own, and, endorsing all Mr. Goffin's statements, they forwarded the result of their labours to South Kensington, threatening the Department with a legal action if the charges were not withdrawn. He went through the defence of the Governors, and he found that, so far from overthrowing, it most conclusively established Mr. Goffin's guilt. He declined in any way to withdraw the charges. A protracted correspondence ensued. Finding that the Governors

were impervious to anything the Department could say, its decision was made absolute; and all Mr. Goffin's certificates were withdrawn. The threatened legal action was not brought. In the course of that year Mr. Goffin became one of the committee of the National Union of Elementary Teachers, and, in consequence, the whole power of that very influential body was used on his behalf. Petitions were sent to almost every Member of Parliament with an elaborate defence of Mr. Goffin, and when Parliament met in the ensuing year the hon. Member for Maidstone (Sir Sydney Waterlow) gave Notice of a Motion on behalf of the Governors for a Select Committee to investigate the case. In the meanwhile he received so many communications from persons whose opinions he respected, that he went with the utmost care into the whole case more than once, and the evidence began so to accumulate, both as regards Mr. Goffin's antecedents, as well as his conduct at these schools, as to induce the belief that for many years past he had carried on a system of wholesale fraud. In 1865 he was master at Exton, Oakham. Heavy payments were made to him for passing small children through a number of science subjects. Doubts were excited in the minds of the Examiners from a curious identity of mistakes in certain papers. The suspicion was indignantly repelled at first by the committee; but on the 16th of October, 1865, they admitted the charge in the following terms:—

"Inasmuch as you wrote to the committee, through me, questioning the fair dealing of the main examinations, though the points referred to were honourably carried out, yet they direct me to inform you a communication was made last week by the boys—viz., the questions contained in the working paper, and laid before them on the night of the examination, were all known to them, and learnt by heart. I have further to acquaint you that the teacher has resigned his post as schoolmaster here, and the class consequently has broken up."

Mr. Goffin next attracted attention at a school at Woking. Children of tender years were taught from six to 12 subjects of science at a time, and succeeded in passing in many of them. Again the suspicions of the Department were aroused. Seven separate Inspectors' Reports were made commenting on the complete ignorance of children under *viva voce* examination compared with their uniform mecha-

nical answers at the written examinations. Constant cases of copying occurred. Mr. Goffin still contrived to baffled discovery by the adroitness of his replies, and in 1874, mainly on the recommendation of the managers of this school, he was appointed head master of the Westminster Schools. He had letters which he would not read from managers both of the Woking and Exton schools. Both were much to the same effect, pointing out how Mr. Goffin had deceived them, how thorough their confidence in him had been, and how he had concealed his faults by a most extraordinary power of lying. But that after he was gone his system of fraud had become the talk of the place. By a mere accident he (Lord George Hamilton) received information which induced the Department to believe that if an inquiry on oath were instituted such an exposure would ensue as would open the eyes of the blindest, and accordingly he moved for a Select Committee, as it was the only means by which he could institute such an inquiry. It was appointed in July, 1879, and Mr. Lowe (now Lord Sherbrooke) became its Chairman, and the hon. Member for Gravesend (Sir Sydney Waterlow) representing the Governors. The constitution of the Committee was perfectly impartial, and, with the exception of himself and the hon. Member for Gravesend, no one knew beforehand of the nature of the evidence to be brought before the Committee. They determined to examine witnesses on oath, because they believed that if either party were disposed they could raise the question in a Court of Law by bringing an action for perjury, for whereas the evidence given before a Select Committee was privileged so far as libel was concerned, yet the witness was subject to the same penalties for perjury as in a Court of Law. Mr. Goffin from the outset had always asserted that he was the victim of a conspiracy, into which teachers, pupils, inspectors, clergymen, and school managers seemed all to have entered. The Committee, therefore, determined to allow no one but the witness under examination to be in the room, and thus, by subjecting every witness to the most rigorous examination, prevent the possibility of the conspiracy, such as Mr. Goffin complained of, from accomplishing its purpose. The course of procedure thus adopted by the Committee

was especially favourable to the special line of defence of Mr. Goffin, that he was the victim of conspiracy. He should, in the interest of the Department, have preferred an inquiry open to the public, at which the skilled experts of the Department could themselves have conducted their case. As it was he was placed at great disadvantage. The hostile attitude of the Governors precluded him from making the necessary preliminary inquiries by which he could before this Committee have ascertained what teachers and boys were willing to speak the truth concerning Mr. Goffin's practices. He, therefore, summoned such witnesses as he thought were likely to speak the truth, though several, he knew, were hostile witnesses. The oral evidence extracted from them was overwhelming; but the documentary evidence was even stronger. Teacher after teacher admitted that when unfit for examination they had been taught the answers to questions set to enable them to pass; document after document in Mr. Goffin's own handwriting was produced giving direct answers to questions set, and only to such questions; and letters in Mr. Goffin's handwriting even more criminating were produced. Boys came up who had passed from three to six subjects in science when under 12 years of age by being taught the answers by heart overnight to the questions set, while it was a matter of physical impossibility that they could have made the attendances necessary to qualify them for the subjects they passed in. But it was not merely the nature of the evidence, but the manner in which it was given, that carried conviction. Every witness was severely cross-examined, yet the information obtained from the reluctant fitted with a nicety and accuracy in unforeseen details that no premeditation could have insured. He had no hesitation in saying that if they could have gone at much greater length into the case they could have obtained revelations far more startling. But the evidence they obtained during the two or three days when they examined witnesses was deemed so conclusive and so far more than sufficient for the purpose in view, that they did not consider it necessary to take further evidence. The whole of the evidence was sent to Mr. Goffin, and he had a week to prepare his defence. On one point alone the

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evidence was slightly defective, for, although the authenticity of the notes given to Colonel Donnelly was distinctly proved by several witnesses, the Committee were unable to find the boy who took them. Mr. Goffin came up and was examined all day. They were reluctant to examine him on oath, but he insisted. With characteristic audacity, he selected what he believed to be the weakest point in the case against him, and upon it hinged his whole defence. He alleged that he was the victim of a conspiracy, and that the outcome of that conspiracy was the concoction of these notes by certain of the conspirators whom he mentioned by name, and it was because he could not by fair means have given the information which they contained that they were concocted to ruin him. These assertions were made on oath. He further said that inquiry ought to be made for the boy. If the boy was in the school why was he not forthcoming? If not, he was entitled to assert that the notes were not authentic. He made these and other statements; but he did not get any direct evidence to rebut the charges brought against him, though he gave us a long list of witnesses, the inferences from whose evidence, he said, would, in his belief, disprove what had been said against him. It would have been the duty of the Committee to have examined all these witnesses so long as any doubt remained on their minds; but the next day, by the merest accident, the authors of these and other notes were discovered. In looking through the examination papers of the chemistry class, which had been in the hands of the Department since the examination, an officer belonging to South Kensington was so struck with the extraordinary similarity between the symbols, formulas, and writing of one paper and the notes in question as to make him think that the boy whose name was on the paper was the author of the notes. The boy was sent for, and he at once admitted that the notes were his, and taken at a lecture given by Mr. Goffin just previous to the examination. They compared his notes with his examination papers. It was absolutely impossible for these notes to be similar to the examination paper by accident, for the answer to every single question on the examination paper was in these notes. It was impossible for anyone to have concocted them who had

not seen the boys' examination paper. He (Lord George Hamilton) was examining the boy, Jones by name, and he had a suspicion that the name of the boy was known to some of the masters who had taken these notes. So he said to this boy—

"(Question 2,046.) 'After you had given these notes to Mr. Hall did anybody ever talk to you about them? Did you ever hear anything more about them?'—(A.) 'I forget now.' (Q.) 'Try and think. Did anybody ever send to you about these notes?' (A.) 'I was in the class one day—in Mr. Kent's class—and he said to the boys—"Have any of you given any notes to anybody?" and I said "Yes, sir, I gave notes to Mr. Hall." He said, "That is nothing;" and that is all.'"

Another boy in the same way identified notes which were almost as remarkable as those he had just referred to. It might seem to the House a serious matter to convict a man upon the evidence of a small piece of paper; but the House must understand what these notes were. Of course, any practical teacher could anticipate with more or less confidence the class of questions which might be set; but no one could guess the exact terms of the questions. In arithmetic it would not be difficult to anticipate that a Rule of Three sum might be set; but no one could anticipate what the exact terms of the sum would be. In the examinations on chemistry anyone might fairly anticipate that a question relating to the active atomicity of certain substances might be asked; but the substances of which this question could be asked numbered many hundreds. The Examiner named five; and not only were the selected five hit off in the notes, but they were arranged in the identical order in which they occurred in the examination paper. On the theory of probabilities, the probability of such a feat being honestly performed was a thousand billions to one. Stating it in a material shape, it was about the same as hitting on a particular drop of water out of all the water that passed Teddington Weir in a month; or, to put it in sporting phrase, like "spotting" the winner of the Derby for the next 10 consecutive years by giving his number on the card, assuming that there were 30 starters each year. The authorship and authenticity of these notes having been established to the satisfaction of the entire Committee—who in this case were judge and jury combined—they were unanimously of opinion that the case was

over, otherwise they would have heard every witness Mr. Goffin wished to call. Sir Sydney Waterlow, as representative of the Governors, acquiesced in this decision, and moved a Report expressing his conviction that Mr. Goffin was guilty; but the majority of the Committee were of opinion that it did not go far enough, and, after some discussion, the following Report was agreed to. If Sir Sydney, on the part of the Governors, had shown any reluctance or doubt as to Mr. Goffin's guilt, the Committee would have prolonged the case until he was convinced. The Report was as follows:—

"Your Committee are satisfied from evidence taken on oath and from documents laid before them—(a) that Mr. Goffin, the head master of the United Westminster Schools, did disclose to his pupils in certain science classes, just previous to the examinations, the answers to a large number of questions in the examination papers; (b) that the information which he thus gave was of such a nature that he must, before imparting it to his classes, have known the contents of the examination paper; (c) that the registers containing the attendance roll of the pupils of Mr. Goffin were, in certain cases, falsified by Mr. Goffin and his assistants to obtain payment of pupils who had not made the necessary number of attendances; (d) that the statements in the petitions signed by pupils and teachers on Mr. Goffin's behalf, and presented to the governors of the United Westminster Schools, were false, and were known by some of the signatories to be so. Previous to his appointment in 1874 as head master of the United Westminster Schools Mr. Goffin was master of St. John's School, Woking. Your Committee have taken evidence as to his system of teaching science there, and from that evidence it is clear—(a) that a large number of pupils, including mere children, were enabled to pass examinations in a great number of science subjects, of which they knew scarcely anything, by being systematically taught by heart on the day of, or the day previous to, the examination, answers to the questions set; (b) that fraudulent fabrication of the attendance registers was systematically practised in order to obtain payment upon the pupils, who, by another fraud, had been enabled to pass the examination. The investigations now held, have disclosed the fact that Mr. Goffin has carried on a course of fraud in a manner and to an extent which must have greatly lowered the tone of morality among a large body of scholars and teachers. Your Committee record their emphatic opinion that fraud thus reduced to a system and almost elevated to the dignity of an art, requires the immediate attention of the Education Department with a view to the adoption of such further precautions as will prevent a repetition of these disgraceful practices. Your Committee further express a hope that the Department will deal as leniently as their public duty will allow with the teachers who, in the course of this inquiry, have by their evidence exposed themselves to the charge of complicity with some of Mr. Goffin's proceedings."

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He should like to know whether a stronger Report could be made against anyone than the Report he had read? During the discussion of the Report, there was some difference of opinion amongst the Members of the Committee as to the punishment to be awarded, some Members being of opinion that Mr. Goffin should be committed for perjury, and that a recommendation to that effect should have been made to the Speaker; but, ultimately, another view prevailed, and it prevailed on this understanding alone—first, that the hon. Baronet the Member for Gravesend (Sir Sydney Waterlow) should dismiss Mr. Goffin as soon as he could assemble the Governors, and he (Lord George Hamilton) undertook to consult the Legal Advisers of the Government as to whether or not it would be possible to bring an action for fraud against Mr. Goffin. He accordingly consulted the Law Advisers of the Crown, and he found that there was an insuperable obstacle to such a course, as all the money ultimately received by Mr. Goffin had been paid to the Governors of the Schools, upon their certificate that all the regulations of the Department had been complied with, and he (Lord George Hamilton) was told that there was a technical plea which could be set up which would preclude Mr. Goffin being prosecuted for fraud. In October, to his amazement, he received a letter from the Governors, in which it was stated that at a meeting, with the hon. Member for Gravesend (Sir Sydney Waterlow) in the chair, they unanimously came to the conclusion not to abide by the Report of the Committee, but requested the prosecution of Mr. Goffin in a Court of Law. He (Lord George Hamilton) then pointed out that it was not possible for them to do it; but that if Mr. Goffin wanted to go to law he had only to bring an action for perjury against the witnesses whose veracity he impugned. But what did Mr Goffin do? There was one course which he might adopt, which everybody knew would be futile except for the purpose of throwing dust into the eyes of the public. If he had brought an action for perjury against any of these witnesses, he would have been cross-examined, and the case would have been tried on its merits. He might have brought an action against Colonel Donnelly or the other officers for Reports

which they had made to him (Lord George Hamilton) as Vice President of the Council. But he did not do that; he brought an action for libel against Colonel Donnelly, not for Reports made to him (Lord George Hamilton), but for the evidence which he gave before the Select Committee. The case was almost laughed out of Court; but it served Mr. Goffin's purpose. For 18 months he (Lord George Hamilton) was prevented from bringing his case before the public, and the Governors accepted the excuse and rehabilitated Mr. Goffin in his position. Then came the blackest part of the case, to which the House, he was sure, would pay very great attention. The Committee were very painfully impressed—and he hoped the Members of the House who were Governors of the School would excuse him—by the immense power which Mr. Goffin had. To use the words of a witness—"he was king of the school." A letter was put in, written by the secretary, in which he naively remarked—"The Governors will not do or order anything without first consulting Mr. Goffin." He could appoint whom he chose, dismiss whom he chose, and the rise of salaries was altogether dependent upon his opinion. The manner in which Mr. Goffin exercised his power was shown in the evidence. The Committee were very painfully struck by the terror these witnesses had of Mr. Goffin. One of them had a question put to him, and he said—"Must I speak the truth?" Another witness, who was a material witness, was asked to explain how he came to sign a petition which he knew to be false, and he replied—"I have a wife and two children dependent upon me. I did it under fear; I did it under protest." It would be recollected that all these witnesses were forced witnesses—reluctant witnesses. They had orders served upon them to attend the Committee Room; and he was sorry to say, in consequence of the Governors of the School allowing Mr. Goffin to remain as head master of the Westminster School, all the witnesses who had given evidence against him were under his thumb, and a very heavy thumb it was. There was a letter from one of these witnesses, named Thompson, and he wrote to Colonel Donnelly to the effect that, since the Select Committee, he had been subject to a great

deal, at the hands of Mr. Goffin, and he wanted to know how to stop "this intolerable persecution?" It seemed to him (Lord George Hamilton) that the House was bound in honour to redress these grievances. Another witness swore on oath that Mr. Goffin had told him that, if any master gave any evidence concerning the lessons given previous to examination, the Governors would at once dismiss him. He (Lord George Hamilton) did not know whether the hon. Baronet the Member for Gravesend (Sir Sydney Waterlow) would be able to repudiate that charge; but he was informed on good authority that the salary of almost every one of the masters who stood by Mr. Goffin had been raised since the inquiry. Thompson, the man who wrote to Colonel Donnelly for protection, was one of the best teachers in the school, and he had looked at the reports of various examinations, and he saw that the boys in his form had done better than a good many other boys. He had made more than one application for an increase of salary, had been referred to Mr. Goffin, and refused. He had also been threatened with the loss of his lodging, and lately Mr. Thompson had been relegated to the lowest form. It was the knowledge of these facts which had induced him to bring this case before the House. Lord Sherbrooke had urged him for some time to bring the matter forward, and to take the first opportunity he could. As soon as Lord Sherbrooke saw that there was a chance of doing so, his Lordship wrote to him to say "He was very glad that at last an opportunity had occurred of bringing forward the scandalous case of Mr. Goffin, and the scandalous conduct of the Managers of the School." The Governors of the Schools, he believed, relied very much upon the results of some examinations which had taken place since the Report of the Committee, and he had seen the Report of the Examiner upon these examinations; but if they took the results of those examinations, and compared them with the number of passes which his pupils obtained previously when the "tipping" system was in force, they would see that there was great difference between the two. He was very much obliged to the House for so patiently listening to him, and he could assure the House that a more unpleasant duty than that which he had

performed it was impossible to conceive. If he could have induced the Governors to have co-operated, his task would have been very much easier, as it was with extreme regret that he had been compelled to deprecate their conduct, as some of the Governors were his personal friends. He had no doubt that they wished to discharge their duty; but it appeared to him that they had lamentably failed. They were entrusted by Parliament with the guardianship of a great public educational institution. How had they performed their functions? They had allowed a wholesale system of rascality and fraud to be carried on under their very noses by their head master. When he was detected they sided with him, and they allowed themselves to be made parties to an inquiry which almost amounted to a sham, which whitewashed this Mr. Goffin. When a Select Committee of the House of Commons, at their special request appointed to inquire into the case, report unanimously Mr. Goffin to be guilty, they rejected that decision; and when, later on, Mr. Goffin deliberately shirked his right of raising an action in a Court of Law, they deliberately supported him in his shuffling. Without one syllable of the sworn testimony of 14 witnesses being disproved, with documents, letters, and notes in his own handwriting conclusively proving his guilt, the Governors deliberately re-instated Mr. Goffin in his position as head master of the School, where, under the *agis* of their protection, he was able to bully those who gave evidence against him, and increase the salaries of those who stood by him, or were convicted with him. There were 700 boys in this school, and the great majority of them were intended for commercial pursuits. Could the Governors think that these boys would have any other fact impressed upon their minds than that if there was one policy in this world which it was not advantageous to pursue, it was that connected with honesty and truth? These were the facts, clear and uncontroverted, on which he asked the opinion of the House; and he hoped that in the discussion which ensued the speakers would make it clear that the House of Commons did not consider the fraud, falsehood, subornation, and perjury were the proper qualifications for the head master of a great middle-class school.

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MR. WARTON said, he never addressed the House under circumstances more painful to himself. This subject was brought forward by one of the foremost of the Conservative Party, by one from whom he had received personal kindness; but the interests of what he believed to be truth and justice required him to take the line which he proposed to take, regardless altogether of the immense authority and departmental experience of the noble Lord, and of the very strong prejudice which must at this moment exist against Mr. Goffin. The noble Lord had not told the House who Mr. Goffin was. He was a man of pre-eminent ability, a man of most unusual scientific knowledge. When he said of pre-eminent ability and scientific knowledge, he meant he was a man who had taken the highest distinction in eight different sciences. Not only that, but he had unusual aptitude for teaching. There were many sound scholars in the world; but the gift of teaching was very rare. They all knew very well that if in their great public schools there was any man who stood out amongst the list of untrained head masters, distinguished by this gift, how his memory was cherished for many years. That capacity of teaching Mr. Goffin had, in addition to very great scientific knowledge, which he (Mr. Warton) believed no living man could equal; he had a rare faculty of impressing his pupils with a wonderful love of knowledge, which led them to prosecute their studies with great devotion and ardour. The House must bear in mind that this was a school which was distinguished for science, and therefore it was not unusual for a man of such ability, with such apparatus at his command—it was not at all surprising that these boys, taught by him, really succeeded in a way likely to astonish people who were accustomed to boys taught by more ordinary men. Let them take a specimen in other fields than the examination at Westminster. He would take the examination for the Oxford Local Examination; on one occasion there were only 31 boys sent up altogether from the different schools; of these 31 boys seven passed, and of these seven, six were pupils of Mr. Goffin, and that number was all he sent up. In 1880, again, in the January Oxford Examination, there were 40 boys sent up, and out of those 40, 11 boys passed,

seven were pupils of Mr. Goffin, and that number was all he sent. They were told about the way in which this case ended before the Committee; he was not there to say one word against the Committee. He was not prepared to say that as the evidence was presented to them, so worked up by the Department that they could very well have come to any other conclusion, and the case looked black—very black indeed. They were told that there was a previous case at Woking, and they might trace the very same agency there. It was quite possible for men of pre-eminent ability to have enemies who, perhaps, did not scruple to take revenge. Mr. Goffin was a man of a highly delicate organization, and of a nervous temperament—a man on whom the advancing years had worked very great injury to his health and happiness; and when a man like Mr. Goffin was brought in contact with Lord Sherbrooke, they could imagine there would be very little sympathy for Mr. Goffin, who came before the Committee faint and ill, with this charge hanging over him. Those who had read the evidence would remember that Mr. Goffin was asked, in the tone of a Judge addressing a criminal, whether he desired to make any statement. He replied that he had been forbidden by his medical advisers to appear at all, and he wished to be excused. Lord Sherbrooke said—“We do not call upon you to give evidence; but I understand that you wish to make a statement.” Mr. Goffin replied in the affirmative. Mr. Goffin was tried not as an ordinary criminal would have been, in which case the prosecutors would first have to make out a case. He was called upon for a defence before the case of the prosecution was made out. Four or five times had this Motion been likely to come on, and on two of those occasions, if it had been brought forward, it would have been brought forward as a substantive Motion; and on those occasions he put down a Notice of the Previous Question, and he had a similar Notice down that night, although, of course, he could not move it. It was no part of the duty of the House to interfere with the wish of the Governors of the School. The evidence of the Committee had not turned away the love and affection of those who esteemed Mr. Goffin; it had not turned away that affection and that feeling on the part of

the Governors of the School. What took place after the condemnation of the Committee? There was a meeting held in the school, at which some 600 or 700 boys were present, and 400 parents, and 14 of them addressed the meeting, and they all of them expressed their confidence in Mr. Goffin, and resolutions were passed in his favour. If that was the feeling of the parents and of the boys, if that was the feeling of the Governors of the School, it was not for the House to say whether or not they should continue to give their support to Mr. Goffin. It was not a question, he contended, for that House. The Governors of the School did not wish, and the parents of the boys did not wish, to have anything more to do with the Department; they were convinced of Mr. Goffin's innocence, and under Mr. Goffin the school had acquired a reputation for science. He held in his hand an examination of the boys in the upper sixth form in practical chemistry, not an examination which was seen before, and out of a class of 31 boys, 23 passed, getting the maximum marks, and the average of the 33, although reduced by one boy, who was backward, was 91. After such examination as that the school could afford to dispense with the Department. He did not ask the House to judge; but he said the parents were right and the Government were wrong. The House had nothing to do with it; and he asked the House not to give a vote, but to suspend its judgment until some proceedings were taken which would show what ought to be done.

SIR SYDNEY WATERLOW said, that, with the permission of the House, he would, in the first place, say a word personal to himself. The noble Lord the Member for Middlesex (Lord George Hamilton) had stated that, as a Member of the Committee, he had, with others, assented to their Report. The noble Lord had also told the House that he had proposed a Report of a very different character. A division was taken on his Report, showing the effect which the evidence had on his mind. The Report prepared by him expressed the opinion that the evidence laid before the Committee justified the Department in suspending the certificate of Mr. Goffin. That was as different from the Report prepared by the Chairman of the Committee (Lord Sherbrooke) as light from

darkness. Now, he was willing to admit, and he thought all the Governors admitted, that Mr. Goffin had been guilty of "cramming" to an extent which was an injury to the school, to the Department, and to the system under which money was paid for results, and that the Department was therefore justified in taking away his certificate. But the Governors were of opinion that Mr. Goffin had not been guilty of any worse practice, and that there was not a tittle of direct evidence that he had had in his possession a copy of the examination papers beforehand. No single witness was called to show that. The whole tenour of the evidence against him was to show that because the boys gave certain answers they must have been "coached" up by someone who had seen the questions. There were 30 witnesses outside the doors of the Committee Room waiting to be called at Mr. Goffin's request to show how men practised in "coaching"—a better word, he thought, than "cramming"—could prepare their pupils; and yet the Committee would not allow any one of those witnesses to be called in Mr. Goffin's defence. He felt it only right to say those few words in justification of the course pursued in relation to the Committee.

LORD GEORGE HAMILTON (interrupting): May I ask—

SIR SYDNEY WATERLOW said, he did not interrupt the noble Lord when he was proceeding with his argument, though he made statements with which he could not concur. He did not propose to follow the noble Lord over the course of the examination which took place before the Committee, because, if he did so, he should have to give question after question, and answer after answer; but he ventured to say that if the Committee itself was an unfair tribunal, it would be very difficult indeed, in a House like this, at this period of the Session, to bring evidence on the one side and evidence on the other, to enable the minds of Members of this House to be in a condition to judge which side was right and which side was wrong. The Board of Governors came to a resolution that the decision in Mr. Goffin's case by the Parliamentary Committee could not be regarded as final, owing to the fact that the inquiry was conducted with closed

doors; that Mr. Goffin was not allowed to be present, except when giving evidence, nor to be heard by counsel, nor permitted to cross-examine the witnesses against him; and that while more than 20 witnesses were ready to give evidence on his behalf only one of them was allowed to be heard. They, therefore, requested the Department to give Mr. Goffin an opportunity, as he desired, of vindicating his character. The answer to that resolution, contained in a memorandum, said that if the Governors were dissatisfied with the unanimous decision of the tribunal to whom they appealed, it rested with them to carry Mr. Goffin's case to another Court. The charges had not been withdrawn; on the contrary, the suspension of Mr. Goffin's certificate had not been made absolute, and yet legal proceedings had not been taken. The noble Lord said Mr. Goffin had obtained nearly £400 as fees by fraud. Surely, if that was the case, the person who so obtained the money ought to be punished. The Governors were advised that the Department had had ample opportunity to prosecute Mr. Goffin in a Court of Law, where the examination would have taken place in public, and witnesses would have been called for and against the defendant, whose counsel would have been able to cross-examine the witnesses. He (Sir Sydney Waterlow) moved a distinct Resolution in the Committee that the proceedings should be open. The noble Lord had said that was a great public question. He admitted it. It would raise the very grave question whether the present system of payment by results, or practically offering almost a bribe to the masters of large schools, by the temptation of nearly doubling their salaries, to "coach" a small number of boys and to give them marked attention, to the prejudice of the great mass of the scholars, was justifiable. Since Mr. Goffin's certificate was taken away the Board had seen a marked improvement. Attention was more evenly distributed, and the condition of the mass was immensely improved. It would, he repeated, raise the question of the system of almost bribing the masters to do that which was undoubtedly to the prejudice of any large school. But he would proceed. The answer of the Council went on to say that if, with a view of justifying their conduct in retain-

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ing Mr. Goffin at the head of the institution, it should prove that he was guilty of the grave charges that were brought against him, it would be for the Board to take such steps as they considered advisable. The Governors of the School gave Mr. Goffin to understand that unless he should commence legal proceedings in order to have the charges that had been made against him properly investigated, he must expect to be dismissed. Mr. Goffin took the advice of a most learned counsel, and was advised to take action against his prosecutor, who, he might say, was his persecutor. What did the House think the Department said? They did not merely refuse to prosecute the man themselves, but when the man turned round to prosecute, with the assistance of his friends from one end of the country to the other, the Department turned round and pleaded privilege, so that all possibility of trying this question in the manner in which it ought to be tried was lost to Mr. Goffin. Therefore, the Governors felt they ought to throw back the onus on the Department of proceeding against him for obtaining public money by false pretences. The noble Lord had told the House that in the beginning he (Sir Sydney Waterlow) raised a discussion as to whether the Committee should be conducted with open doors. He put on the Paper of Business of this House a Notice of Motion, asking the House to believe that, from beginning to end, the Governors were anxious to have an open and fair trial of this man. The noble Lord (Lord George Hamilton) and Mr. Lowe (now Lord Sherbrooke), who were defending the Department, were virtually in the position of judges and prosecutors at the same time. Medical testimony was given that Mr. Goffin was lying on a sick-bed, and he (Sir Sydney Waterlow) appealed to the Committee to allow him to appear by counsel. They refused absolutely, and declared that he should not be represented by counsel, nor should he be in the room when the witnesses were called against him. He asked hon. Members would they like to be deprived of their power of defence and of cross-examination? He was sure they would not. They refused to hear from any one of the witnesses that were called to give evidence any statement on the particular fact on which everything turned—namely, whether it was pos-

sible for the boys to have given the answers they gave without having seen the papers. There was not a tittle of evidence that these papers had ever got out of the hands they belonged to. The noble Lord had discussed the question of payment by results. That was not the question before the House at all, though he hoped the time might soon come when they should have to discuss that question. The more the noble Lord insisted, as he did insist, that the case was so clear that it was quite impossible for anybody to have any doubt about it, the more willing he ought to be to allow the case to be tried in a Court of Law. The noble Lord also said that there was the strongest possible evidence that it was absolutely impossible that the master could have made the notes he did without having had supplied to him the printed examination paper. There were a score of men to be called—men of experience in these matters—not one of whom was called. Well, then it had been urged that Mr. Goffin should have appealed against the decision of the Court on the question of privilege. Let any hon. Gentleman present who knew anything as to the state of the law on the question give his opinion, and he thought he would agree with the learned counsel in the case that it would have been useless to have appealed against the decision of the Court on that point. He should not be wrong in reading a few lines from the judgment of Mr. Justice Field about the case. He said the Court was of opinion that the plea of privilege was a good one, and a perfect answer to the plaintiff's case. That was to say, it shut up the plaintiff entirely, and gave him no opportunity of going on. The plaintiff, no doubt, suffered from that which, on the face of it, was a serious libel upon him, and it was desirable he should have opportunity of investigation. Further on the Judge said it was a bad thing and a hard thing for individuals that anyone should be at liberty to say that a man was committing a crime, and that the law could not call upon him to prove what he said. Now, he (Sir Sydney Waterlow) should like to ask the noble Lord whether he proposed next Session to bring in an Act of Parliament to alter the Act relating to this school? If he did, then discussion would take a larger range than it could at present. The Governors took the

greatest possible care before they appointed Mr. Goffin as head master. His testimonials were of the highest character, some of them being from Inspectors connected with the Education Department. The school rapidly filled, and, at the present moment, there were 690 boys in a school only built for 600. There were applicants far exceeding the number of vacancies that arose. No doubt, the school possessed many advantages for giving a sound education to boys intended for commercial life. The best way to judge of a school was to consider whether the boys were properly educated and were sought after; and he might say that there was scarcely a public company seeking clerks that was not asking for these boys. Mr. Goffin passed 92 per cent of the boys sent up for examination. In order to test the qualities of the school, the Governors last year appointed Examiners of the highest character, and of the greatest possible talent and ability, and they took care that the masters should have nothing to do with it. Let him read a few lines from the Report of the Examiners as regarded the written examination in chemistry. They found that 23 boys out of 31 had determined a difficult matter correctly. The whole Report was of an eminently favourable character. What he asked for, and what he asked of the Government, was that they should proceed with their accusation that Mr. Goffin had been guilty of obtaining nearly £400 of public money. He could not do more than ask the Government either to prosecute the man, or allow Mr. Goffin to go on with his action for libel and slander. He therefore asked the Government to bring up an action in such a way as might be best calculated to bring to light these charges.

MR. ERRINGTON said, that as he was the only Member of the Committee which inquired into the charges against Mr. Goffin who had not spoken, he wished in the strongest manner possible to corroborate the statement made by the noble Lord, who had done a great service in bringing the subject before the House. He had supported his hon. Friend who had just sat down (Sir Sydney Waterlow) in the Amendment he proposed to the Report of the Committee; and his hon. Friend now declared that that Amendment simply expressed an opinion that the evidence laid before the Committee

justified the Department in suspending the certificate of Mr. Goffin. He (Mr. Errington) confessed that this was the first time he had ever heard a suggestion that that was the sense in which the words of the proposal of the hon. Gentleman were intended to be taken. He thought the interpretation hardly just, because the subsequent words of the Amendment were that the Committee desired to record also an emphatic opinion that the declaration made by the masters required the serious attention of the Education Department, with a view to the adoption of further precautions in order to prevent the examination papers from becoming known outside the Department before the examination took place. That meant that the papers had become known outside the Department before the examination. He (Mr. Errington) had supported that Amendment with the distinct understanding that it condemned the conduct of Mr. Goffin quite as strongly as the Report of the Committee did. The question really was whether a man of the skill and experience of Mr. Goffin, by mere experience, could have guessed and interpreted the questions in a fair and legitimate manner, and taught them to his pupils accordingly. The hon. Member for Gravesend said the Committee refused to listen to certain witnesses who were in waiting to prove that what Mr. Goffin had done might have been done, more or less, merely by skill and experience; but the Committee had got far beyond that. He agreed with the hon. Member that if that question had been opened the Committee ought to have listened to the evidence Mr. Goffin proposed to call. He (Mr. Goffin) had denied the authenticity of the notes which formed the accusation against him. He denied them categorically, and said they were a forgery, and the result of a conspiracy against him. The noble Lord the then Member for Bury St. Edmunds (Lord Francis Hervey) pinned him exactly to that declaration. He asked him if the notes were authentic, and whether he agreed with the conclusion of Professor Roscoe that it would be impossible to have framed the questions in a particular way without access had been had to the questions of the Examiners. Mr. Goffin said he thought so, and that he should have agreed with that. Therefore, Mr. Goffin's own admission was that the answers could not

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have been given through any mere experience and knowledge of tuition. It must be remembered that at that time there was no direct proof, although there was internal evidence, that the notes were authentic. That link in the evidence was still wanting. Therefore, Mr. Goffin thought himself perfectly safe in adhering to his old line of defence, and in saying that the notes were not authentic. If they were authentic, then the case against him would have been conceded. A remarkable point was that, having narrowed the issue down to that, the missing link was in the end obtained, and the Committee got evidence which convinced them that the notes were, beyond all question, taken at the lecture given immediately before the examination, and for the purpose of teaching the pupils the questions that were to be asked. They had obviously the assurance of Mr. Goffin that if the notes were authentic he could not have given the answers without having a copy of the Examiners' questions. That brought the question to a very narrow issue. The question, as far as the public out-of-doors were concerned, regarded the form of procedure. The noble Lord admitted that many of the Committee at first sight were reluctant to accept the particular course of procedure proposed by the Chairman of the Committee; but the hon. Baronet who had just sat down, and who had condemned that course very strongly, ought to remember that strongly as he felt against it he was not inclined to divide the Committee against it. Although reluctant to assent to the form of procedure, which was not, perhaps, usual, but which was forced upon the Committee by the necessities of the case, the hon. Baronet, like all of the Members of the Committee, had on consideration agreed that it was the most expeditious course to adopt. He (Mr. Errington) was sure the Committee adopted it with regret; but they felt on consideration that it was the best and most satisfactory course they could take. He agreed with the noble Lord that that course had a most satisfactory result. It enabled the Committee to come to a conclusion which they could not have come to as certainly, or without the greatest difficulty, if they had adopted any other course. The hon. Baronet had repeated the charge against the Education Department, that they had not

brought an action against Mr. Goffin for having obtained by fraud a large sum of money. No doubt, the Committee were of opinion that the money was obtained by fraud; but it was paid over to the trustees, and, therefore, an action for fraud would not lie. If these were the only grounds that could be urged in defence of Mr. Goffin, he thought the case of that gentleman was a very weak one indeed. No doubt they must all feel pained in joining in a vote of censure against a body which was so much respected as the Governors of Westminster School; but he must say that he thought that every word contained in the proposal which the noble Lord the Member for Middlesex had placed on the Paper was fully justified. It certainly appeared to him to be a scandal that, when an inquiry of this kind was asked for, and after it had been concluded in the way it had, the Governors of Westminster School should think themselves justified in absolutely ignoring the decision of the Committee, and in maintaining Mr. Goffin in the important place he occupied, notwithstanding the gravity of the charges against him. At any rate, they ought to have suspended Mr. Goffin, or have insisted upon some practical course being taken by that gentleman for the vindication of his character. The Governors called upon the Department to prosecute Mr. Goffin; but the last decision having been against Mr. Goffin, that gentleman was bound to take action against the Department. It was quite true that Mr. Goffin did commence an action; but it was of such a nature that everybody knew beforehand it would be ridiculed when it came into Court. He thought it was a great pity that, owing to the Forms of the House, they had not now an opportunity of affirming, by their decision—

"That the retention by the Governors of the United Westminster Schools of Mr. Goffin as head master of that public institution, after he had, by a Select Committee of this House specially appointed in 1879 to inquire into his conduct at the request of the Governors of the Schools, been found guilty of a systematic course of fraud, falsehood, and subornation, is a public scandal, and as such demands the immediate attention of the Education Office and Charity Commissioners."

SIR JAMES LAWRENCE said, he had yet to learn that it was the duty of honourable men placed in such a posi-

tion as the Governors of Westminster School to act contrary to their consciences, whatever decision a Committee of that House, acting in a different manner from that upon which other Committees usually acted, and ending in the examination and condemnation of a man with closed doors, after forbidding him to be present during the whole of the inquiry, and not allowing him to call the witnesses who were in attendance to speak in his favour—might have arrived at. He had heard with surprise some of the language which had fallen from the noble Lord (Lord George Hamilton) in regard to the Governors of the School. Perhaps the House would scarcely believe that the man who proposed the resolution read by the hon. Member for Gravesend (Sir Sydney Waterlow) that day, who had gone through all the evidence, who was not prejudiced in favour of Mr. Goffin, but rather prejudiced against him—that the very man who moved that Resolution, after hearing and considering all the evidence, was that eminent scholar and Divine, Canon Farrar. It was after becoming acquainted with all the facts that Canon Farrar, at the first meeting of the Governors, called to consider the question, proposed the resolution which had been read by the hon. Member for Gravesend, and it was passed unanimously by the Governors. The statement made by the noble Lord would have conveyed an impression which he thought, upon reflection, was not the impression the noble Lord desired to convey; but, undoubtedly, the impression produced on the mind of any stranger who heard the subject now for the first time would be that Mr. Goffin was a kind of charlatan, who, by means of fraud and underhand practices, had obtained a position he was not entitled to, and that therefore the Department, for a long series of years, had been endeavouring to entrap him. Now, reference had been made by the hon. Member for Gravesend to the position Mr. Goffin had occupied for many years. It was well-known to anyone who knew anything about teaching that Mr. Goffin was the first teacher of technical science in the country. That was admitted by every person connected with education in the country. It was difficult to find a man who held a different opinion, and they had evidence adduced in the course of the debate that when all the privi-

leges previously enjoyed by Mr. Goffin were taken away from, and when the greatest care was taken by the Governors that no special examination should be held in the school, the boys educated in the school still continued to take the very highest position. He was not there to defend either the action of Mr. Goffin or the course of his life; he was there simply as one of the Governors of the School to defend the action of the Governors; and he declared in the most positive terms that, as honourable and conscientious men, they dared not dismiss a man to ruin and degradation until they were satisfied in their own minds of the truth of the charges made against him. The Governors were not in any degree partial to Mr. Goffin; but they were animated by one feeling—namely, that they ought not to absolutely ruin a man until they arrived at a satisfactory conclusion that there was no doubt as to the truth of the case preferred against him. He was anxious to trace the early part of the case. The noble lord had told him himself that he had made up his mind that Mr. Goffin was guilty.

LORD GEORGE HAMILTON begged the hon. Gentleman's pardon. He had never said anything of the kind. He might have told the hon. Gentleman that he was satisfied of Mr. Goffin's guilt after the proofs had been produced. He had certainly never said that he had made up his mind before the proofs were produced.

SIR JAMES LAWRENCE said, that what the noble Lord had said had certainly conveyed that impression to his mind. He would withdraw anything as to the actual words used by the noble Lord; but undoubtedly the impression conveyed to his mind was that the noble Lord had made up his mind as to Mr. Goffin's guilt. Perhaps the noble Lord would remember that his (Sir James Lawrence's) reply was—"I cannot condemn a man until I have got at all the facts." But it was not only the noble Lord, but the Department, which appeared to have made up its mind to crush Mr. Goffin long before the whole of the evidence came out. The first inquiry was conducted by Colonel Donnelly, and, to say the least of it, it was conducted in a most extraordinary manner. Instead of approaching the boys in a conciliatory spirit and

in a gentle manner, as if he were really anxious to obtain the truth from them, to each answer given by the boys Colonel Donnelly said—"You are a liar; you are all liars." That was the course taken by the gentleman sent down by the Department to ascertain the facts of the case. The noble Lord said that the boys were in fear and trembling when they came before the Governors. That was quite untrue, and the Governors were able to obtain very clear statements from them. He was quite aware of the difficulty of getting any Government Department to confess itself in error, or that it had done injury to an individual. An instance occurred to him which he might mention to the House. When he first came into the House he was waited upon one day by a man who was one of the most trusted of the porters connected with the South Western Railway. The man said he wished him (Sir James Lawrence) to do him a favour. He had been a member for many years of the police force, and he had injured himself very severely in struggling with a burglar, the consequence of which was that he was laid up. The doctor made up his mind that he was malingering, and gave evidence before the Home Secretary to the effect that when he examined the man's leg he found traces of iodine upon the foot which he had not prescribed. The consequence was that the man lost his pension, and he was taken into the employment of the South Western Railway, and became one of the most trusted servants they had. Some years afterwards, on some alterations being made in the chemist's shop in which the prescription was made up, the original paper was found signed by the medical man who gave evidence against this poor fellow, in his own handwriting, and in the document appeared the very article "iodine," the prescription of which he had forgotten. He (Sir James Lawrence) went to the Home Office and laid the facts before them; but the only answer he obtained was that they could not undo what they had already done. The man did not ask to be reinstated in his position, but simply to have his character cleared. But an English Public Department knew nothing of that rehabilitation of character which other Governments and nations were always anxious to under-

take, and until our Government adopted the course pursued elsewhere he feared that very much injustice would be done. He had detained the House much longer than he ought to have done; but he felt warmly in regard to some of the expressions which had fallen from the noble Lord, and which he considered to be quite unjustifiable. He held that no man had a right to impute motives or talk about a public scandal in regard to the action of men who held honourable positions. He thought that greater care should be taken by the heads of Departments, and by the officials under them, as to the manner in which the public conduct of other men, as conscientious as themselves, was construed.

MR. RATHBONE said, he never rose with more pain to address the House upon any subject than he did on the present occasion. Many men whom he sincerely respected were among the Governors of the Westminster School; but it seemed to him that this was one of those cases on which it was most important that the House should express a clear opinion. A great deal of the arguments they had heard went to prove Mr. Goffin's great ability. There was no doubt that he was a man of wonderful ability as a teacher; and one of the most remarkable proofs of his ability was that he should have been able so to mislead the Governors of the School. [Sir SYDNEY WATERLOW dissented.] His hon. Friend the Member for Gravesend (Sir Sydney Waterlow) shook his head; but he really thought if his hon. Friend would only try to carry his mind back to the time when he proposed his draft Report, he would see at once that the line he had been taking to-night was absolutely inconsistent with that Report, and what must have been the state of his mind when he proposed it. Mr. Goffin swore positively that no such information ever came into his possession, and yet, in the Report proposed by the hon. Baronet, the Committee desired to record their emphatic opinion that the declarations made by the witnesses required the serious attention of the Education Department, with a view to the adoption of further precautions in order to prevent the examination papers from becoming known outside the Department before the time of examination. If that meant anything, it meant that Mr. Goffin

had had the papers. It could mean nothing else; and, if so, Mr. Goffin was guilty of clear and deliberate perjury, and it was the duty of the Governors to have prosecuted him for that perjury. They were the only persons who could prosecute him for receiving money under false pretences, because it was from them he received it, and not from the Department. He imagined that most Members of the House had made up their minds that Mr. Goffin did commit these offences, and the noble Lord had shown that this was not the first offence. Then, what a frightful thing it was for the Governors of Westminster School to give their sanction and countenance to a man who had been guilty of a fraud in regard to which he must have taken the boys with him. The Vice President of the Council had told them to-day that he was going to remove some of the great temptations to fraud to which the elementary school masters had hitherto been subjected, and it was quite time that he should do so, for anyone who had been connected with public elementary schools knew how difficult it had been to maintain that high spirit of honour which was so important. But, at the same time, when they came to look at the effect of maintaining a man so able, so eminent, and so distinguished as Mr. Goffin in his position, after the Committee had distinctly come to the unanimous conclusion they did, he thought it was of immense importance that, by some means or other, the scandal of maintaining such a man in such a position should be put an end to. It was not merely that the Governors were called upon to prevent the scandal, but they ought to consider the effect of leaving such a man with power to persecute all those who had given honest and straightforward evidence against him.

MR. O'DONNELL said, that, deplorable as it might be to leave Mr. Goffin with power to persecute persons who were objectionable to him, it was, nevertheless, only a common practice even in connection with a respectable Government Department. Therefore, they could not condemn Mr. Goffin on that account. The noble Lord who had formerly been Vice President of the Council and Under Secretary of State for India (Lord George Hamilton) could, from his experience, quote many cases in which a junior member of the Civil Service had

occasion to remember any unfortunate slip he might have made against his superiors for all the rest of his life. He (Mr. O'Donnell) had studied the case of Mr. Goffin, with the intention of bringing the matter before Parliament if he could conscientiously do so; but certainly the impression produced on his mind was that the case against Mr. Goffin was not made out. He did not think that sufficient stress had been laid on the peculiar nature of the study to which "coachers" or "crammers" directed their attention, when they were engaged in coaching a pupil for passing a particular examination. The first part of the duty of the crammer was to find out who the Examiners were, and, in the next place, to hunt up all the antecedents of the Examiners with the skill of a private detective. He would obtain information as to all the occasions upon which such and such an Examiner had acted, all the questions which that Examiner had put upon paper; and it was upon a wisely selected average of such questions running over a long period of years that a professional crammer proceeded in preparing his class for an examination to take place two months, six months, or one month hence, at the hands of that special Examiner. Only yesterday an old College chum of his own, now engaged in coaching, breakfasted with him. His friend complained that too many crammers, and the most successful ones, confined themselves to the business of teaching their pupils the answers to questions which, over a long space of years, the particular Examiners before whom they were to appear had been in the habit of asking of the pupils. For instance, this gentleman was a coach for some of the examinations for commissions in the Line, commissions given to Militia officers; and he said that among the Examiners at these examinations within recent years there had been Examiners who were also Examiners in the public Colleges, such as Woolwich and Sandhurst. The crammer knew very well that Mr. So-and-So, Professor of such and such a Department at Woolwich, was the Examiner; and he would, therefore, find out the class of questions that gentleman had propounded at Woolwich and Sandhurst over a series of years, and after he had found that out beyond all doubt, his pupils would be able to clear a majority of the questions

Mr. Rathbone

asked. Cramming was a sort of art which had been brought almost to perfection in the present day. A short time ago there was an hon. Member in that House who was at the head of one of the greatest cramming establishments in the Kingdom. Unfortunately, the hon. Gentleman was deprived of his seat by the verdict of an Electoral Commission. He (Mr. O'Donnell) was sorry for that untoward event, because if the Gentleman to whom he referred had been disposed to give a brief lecture on the science and mysteries of cramming, he would certainly have been able to astonish a great majority of that House. It had been pointed out to him (Mr. O'Donnell) by an experienced crammer, in a moment of social expansion, that the more distinguished the Examiners with whom a crammer had to deal the more safe the crammer was in forecasting the questions that would be asked. Men of distinguished scientific attainments were the men who were most sure to have a dozen particular fads of which they were particularly proud. Having arrived at certain original views, they could not for the life of them help asking questions upon them year after year. He (Mr. O'Donnell) was of opinion that the whole system of competitive examinations required re-casting. It was something like the contest between big guns and iron plates; the guns had got ahead of the plates, and the crammer had got ahead of the competitive examination system. Looking at the imperfect nature of the tribunal before which Mr. Goffin went—and if there was one tribunal less satisfactory than another it was a Committee of that honourable House—looking at the imperfect nature of that tribunal, he was certainly utterly unable to come to any conclusion hostile to the good faith of Mr. Goffin. Mr. Goffin seemed to be a man of wonderful ability as a teacher, with a wonderful genius for getting at conclusions; and he was quite sure that during the period Mr. Goffin was engaged in preparing Westminster scholars under a strict cramming system, he would have made it his business to go through all the antecedents of the Examiners, and all the people the pupils were likely to come in contact with. Being a man of such ability, it was not astonishing that the pupils of Mr. Goffin, as a general rule, satisfactorily answered about 90 per cent of the questions put

to them. He thought it would be most difficult, in all the circumstances of the case, for the House to draw any hasty inference as to the guilt of Mr. Goffin, or to come to any conclusion adverse to him.

MR. MUNDELLA said, he had no right to address the House again except by permission; but he would not detain the House for more than two or three minutes. The question had only been brought to his attention by the Notice placed on the Paper by the noble Lord (Lord George Hamilton); and everyone who heard the noble Lord that night must feel that he had done good service in bringing it forward. When the question was brought under his (Mr. Mundella's) notice in the Department, he made an inquiry into the nature of the charges against Mr. Goffin, and the result of his investigation was this—that Mr. Goffin was guilty of the charge brought against him, and that it was really a sad thing that a body of Governors so eminently respectable as the Governors of Westminster School should have retained a man in such an important position. The retention of such a man was little less than a scandal, and it was setting a very bad example. He was the more sorry, because it was really teaching the country to believe that the Department were disposed to charge a man with fraud when there was no real and substantial ground for the accusation. He did not know that it was possible to constitute a fairer or more complete Committee than that which had been appointed at the suggestion of his hon. Friend behind him to investigate this case. It consisted of Mr. Lowthian Bell, Mr. Moore, Lord George Hamilton, Lord Francis Hervey, Mr. Errington, Mr. Rodwell, and Sir Sydney Waterlow. His hon. Friend the Member for Gravesend charged everyone who sided against Mr. Goffin with being the prosecutor. He spoke of the noble Lord the Member for Middlesex as the prosecutor, then of Colonel Donnelly as the prosecutor; and he (Mr. Mundella) was afraid that he himself would now be looked upon as the prosecutor. Even Mr. Lowe, the present Lord Sherbrooke, was spoken of as the prosecutor, because he had happened to be Vice President of the Council, and it was supposed that he must necessarily be affected with some Departmental taint which would prevent

him from fairly and honourably dealing with a question like that of Mr. Goffin. Surely the House would not suspect that Members of the Government and permanent officials were really anxious to convict any man of fraud? From what he could learn, such men as Professor Franklin and Professor Roscoe considered that the case against Mr. Goffin was proved beyond all doubt, and that it was a scandal that such a man should have been retained so long in the position he now occupied. There was no doubt that Mr. Goffin was a remarkably able man and an excellent science teacher; but he had all the less excuse for the course he had taken. It was not necessary that a man possessing so much ability should have recourse to fraud in the way in which Mr. Goffin evidently had had recourse to it in order to obtain money for his own school work. It was said that the Education Department ought to have prosecuted Mr. Goffin, and the hon. Member behind him (Mr. Errington) repeated that cry. The hon. Member, however, knew that the Department could not do so. This transaction took place nearly three and a-half years ago—namely, in May, 1878—and how could they now prosecute Mr. Goffin? An indictment for fraud would not lie against him; that was very well known. The fraud was not committed by Mr. Goffin directly for his own benefit, but only indirectly, as the money went into the hands of the Governors. If a criminal indictment had been preferred against Mr. Goffin, his mouth would have been closed; they could not have cross-examined him, and they would have been deprived of the best means of getting at the truth. All he could say about the matter was this—that he thought the discussion which had taken place would produce a good effect. He hoped the Governors of the School would, on reflection, consider that it was a scandal to allow the present state of things to continue. He should certainly confer with those who usually advised him in legal matters, in order to see what steps could possibly be taken. He was afraid that nothing could be done by the Education Department; but, if not, the Charity Commissioners might consider whether it was not their duty to interfere. He did not care how eminent or able a man might be; if he committed such a fraud as this, he was guilty of a

great mistake, and, in the interests of all public teachers, he ought not to be allowed to continue in the position he occupied. It was now time that this discussion should come to an end, and, as the House could not come to a conclusion on the matter, he would appeal to it to resolve itself at once into Committee, so that the Government might be allowed to take the Education Votes.

SIR JOHN LUBBOCK asked if there was to be a discussion upon the Estimates?

MR. MUNDELLA: Certainly.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—CIVIL SERVICES.

SUPPLY—*considered* in Committee.

(In the Committee.)

CLASS IV.—EDUCATION, SCIENCE, AND ART.

(1.) £1,283,958, to complete the sum for Education, England and Wales.

VISCOUNT SANDON said, he was not anxious to trouble the Committee in any way; but he thought that the full and very interesting Statement of the right hon. Gentleman the Vice President of the Council would require a good deal of time for the consideration of the facts contained in it before they could express any judgment upon it. He thought no excuse was needed for the long speech which had been made to them, as it was one of great interest to all who had the pleasure of hearing it; and he would only venture to remark that he hoped another time to have the satisfaction of entering at length into the points which the right hon. Gentleman had laid before them that night. He was inclined to doubt the advisability of the practice which the Vice President had adopted that night, and which he (Viscount Sandon) tried to adopt when he filled the Office of Vice President of the Council—namely, of making a Statement with the Speaker in the Chair. Unfortunately, other matters had intercepted that Statement, and the natural discussion of the points raised by the right hon. Gentleman, and the result was that they had arrived at a very late hour before they were able to discuss the Vote. As he had said, he was not to blame for not having set a bad example

Mr. Mundella

in the matter, because he did try to make his statement with the Speaker in the Chair; but he was prevented from doing so by the present Chief Secretary for Ireland. He gathered from the speech of the right hon. Gentleman the Vice President of the Council that the experience of the last 10 years had somewhat disappointed the expectations that were raised, and, to some extent, that it dissipated some of the fears that were expressed. Some of them expected that the voluntary schools would be very much encouraged by the course of legislation adopted; but those expectations had been disappointed. On the other hand, the expectation entertained that the progress of education would be a little more rapid had been somewhat dashed. The hopeful aspect of the case was that the parties who disagreed in former years were now evincing a desire to work together in a more harmonious manner for the benefit of the children committed to their charge. He was gratified to hear the high testimony which the Vice President of the Council bore to the voluntary work of the country, both in regard to the board schools and the voluntary schools. They found that some very vague and voluntary dreams which had been formed of the past had been abandoned, judging from the Vice President's speech. Nobody spoke more strongly than the Vice President did now against the evils of free and gratuitous education. The right hon. Gentleman was perfectly consistent in that; but it was most important that a person holding the high position of the right hon. Gentleman should be able to say that the opinion of the country was entirely against free education. As to religious instruction, the testimony of the right hon. Gentleman was in favour of its value; and he (Viscount Sandon) rejoiced that it was so after the 18 months' experience the right hon. Gentleman had had of the working of the Department. He congratulated the right hon. Gentleman on the fact that it had fallen to his lot to come to the House at a time of comparative calm in the Education Department, so that he was able to turn his mind to a further revision of the Education Code. He hoped, in the long run, the right hon. Gentleman might not find that in trying to be concise he had become obscure. The right hon. Gentleman was able to undertake this im-

portant work, owing to the Department being more free in regard to the supply of schools, and owing to the board system having been started and got into full working order. He was also able to undertake the work of compulsion which had been proposed by his noble Friend the Member for Middlesex (Lord George Hamilton). His way had been cleared for him, and he (Viscount Sandon) felt that the right hon. Gentleman was perfectly right in giving a large meed of praise to the exceeding vigour of the heads of the Education Department, not only the Gentleman who was at the head of all, but those who were at the head of the subordinate departments. In regard to the Code itself, he hoped he might be allowed to record his opinion, and he trusted that all hon. Gentlemen who were interested in education would do the same. Until they had seen the system fully in operation, the whole future of the schools must depend entirely on the good working of the Code. They must remember that all the changes were purely tentative after all, and the great question which lurked behind was that of the money. They were told that they were not to consider the money question at present; but to look to it solely as an educational question. That was very admirable and very excellent; but the schools of the country must look to it from the money point of view; and the case of the board schools, and voluntary schools, as between small schools and large schools, rural schools and urban schools, must be decided by the facilities which the new Code afforded. It would, therefore, be unwise to express an opinion as to the Code until they knew how the money was to be allocated. There was one thing, however, which they ought to require. He did trust the right hon. Gentleman would watch the matter carefully, so as not to place too great a head pressure upon the children. He said that from the experience he had gained when Vice President, and he was satisfied that there was great danger of pressing too heavily on children of tender age. He would venture to call special attention to the case of the pupil teachers. He was quite sure that in many cases they demanded far too much from young pupil teachers. They had to give out these poor children, as well as take them in, and the pressure upon their minds was very

great, in having to teach during the greater part of the day, to stand almost entirely throughout the day, and then to study at night. Then, also, in regard to increasing the intellectual pressure, he would appeal to the right hon. Gentleman, after the strong expressions he had used as to the advantages of religious teaching, to keep a careful watch that in their exertions for the spread of secular knowledge they did not ignore religious teaching. There was great danger, if they showed that the interests of the State in the schools were merely based on secular knowledge, that in the course of time pure religious teaching would be cast aside as of no importance whatever. He thought that was quite unintentional on the part of Her Majesty's Government; and he believed that they might virtually make it impossible that that religious teaching they wished to foster should suffer. He congratulated the right hon. Gentleman on his praiseworthy endeavours to remove the temptation to fraud which existed at present, and which were so serious in our schools. No one would rejoice more than he would when the scheme relating to the 250 attendances was carried out. As to *The Child's School Book* to which the right hon. Gentleman had alluded, he was in favour of getting rid of all unnecessary forms; and, therefore, he should only be too happy if he succeeded in getting rid of *The Child's School Book*. The right hon. Gentleman said he was also going to give greater prominence to poetry, recitation, history, and geography. He would be glad indeed if the right hon. Gentleman had time to get those matters attended to in the ordinary curriculum of the schools. For his own part, he was a little doubtful whether Milton and Shakespeare offered the best kind of poetry to children of 10 or 12 years of age; and he was rather in favour of some of our excellent patriotic lyrics which very easily adapted themselves to the intellects of children. But that was a matter of detail. The right hon. Gentleman had also assured them that he was going to lay great stress on sewing as a branch of instruction. He believed he had the honour to be the first to give the money of the State for the promotion of that most important art amongst girls, and he hoped the right hon. Gentleman would do all in his power to encourage it. At the

same time, he ventured to put in a word for those despised subjects—domestic economy and cooking. They should all have in view the importance of teaching those useful and necessary subjects in schools. It was difficult in practice, he knew; but they were most necessary to be taught to girls, and he hoped the Vice President would encourage them. He hoped the right hon. Gentleman meant to keep the attention of Inspectors fully engaged on the moral character of the schools. Everyone who knew what schools were would see how important it was that the Inspectors should show great attention to the general moral tone which prevailed in them. The right hon. Gentleman had used one happy expression. He said he was determined that the teaching in these elementary schools should be thorough. He reminded the House that they had made it compulsory on parents to send their children to those schools; that they were bound to see that the teaching was thorough and good, and that it was absolute cruelty and wrong to subject children to insufficient instruction. That point should, undoubtedly, be kept steadily in view. He wished the right hon. Gentleman success in his endeavour to promote night schools; and he agreed that he was taking a bold and wise course in allowing clerical teachers to instruct in night schools. It was probably the most important change of any made in the Code to throw open the profession of teachers to graduates of the Universities; and he thought the more people considered it, the more they would see the advantages of making that alteration. It would, however, be necessary, in fairness to existing teachers, that they should have due warning of the change, because, having entered upon their career on the understanding that it was a closed one, they should certainly receive notice of what would appear to them a very sudden and important change. He also hoped care would be taken to find a more suitable class of teachers for rural schools. The misfortune was that it was impossible for the districts in which those schools were situated to give a high rate of pay, and yet it was exceedingly bad to have very young teachers. That question, undoubtedly, merited great attention. It was the case that there was some deterioration in respect of the time during

which teachers stayed in their schools; and they found that as a rule where there was only a mistress she stayed only for a year, or possibly two years. Anyone would understand that the effect of that upon the children was disastrous. In that way the teacher had no time to make acquaintance with the children, who were always being put under new systems, while, in fact, the moral hold was relaxed. That was a very important difficulty which all interested in rural education should consider. He could not agree with the remarks of the Vice President of the Council on the subject of honour certificates. He had always regarded them both as tending to raise the tone in schools and as incentives to future exertion. He thought those certificates did tend to elevate the character of their elementary schools, and he was afraid he should adhere to that view. He thought it a pity, for the sake of £1,000, to sacrifice what he believed to be in many cases a useful incentive; and, therefore, he trusted that if any change was made the system might be modified without being abandoned. He saw that about 13,000 children in the course of the year got those certificates; and he was constantly meeting with children who had gained them and who showed them with great pride, while the parents had told him that the moral effect upon their families was surprising. There was one point on which he should be obliged to challenge the decision of his right hon. Friend if he should think it his duty to press it. He, for one, was loth in any way to lower the character of the Inspectorate, because it was of the highest importance that its intellectual standard should be kept up; so much so, in his opinion, that when he held the Office of Vice President very severe conditions were attached as qualifications for that office. Therefore, he trusted that nothing would be done to lower the position of the Inspectorate. He would ask the right hon. Gentleman whether there was any truth in the rumour alluded to in the Press that he held out hopes to teachers of extending the pension system generally? He was aware that he granted a certain number of pensions in cases where the teachers were old and underpaid; but he carefully guarded himself from holding out any hope whatever of a general pension system, which would be a most serious and

grave undertaking for the country, and he hardly thought the right hon. Gentleman could have been correctly reported when he was said to hold out hopes of so great a change. Although he should not be sorry to see a system of assurances established which would secure teachers against the consequences of sickness and old age, he did not think it was the business of the State to go further in the matter. He did not wish to stand in the way of the right hon. Gentleman; but he must hold himself absolutely free with regard to the changes in the Code, and with regard, also, to the changes in connection with the Inspectorate.

MR. RICHARD said, he had a Motion on the Paper on going into Committee of Supply which, yielding to the appeal of his right hon. Friend, he did not proceed with; but to which, perhaps, he might be permitted to refer in Committee and to say a few words on the subject of it. He referred to what he could not but regard as a great anomaly in their educational system—that was to say, the denominational character of so many of our Training Colleges. He did not severely blame anybody for that, because it had grown out of a state of things which existed formerly, but which no longer prevailed. It was well known that for a long time the education of the people of the country was left in the hands of voluntary associations, and they frankly and gratefully acknowledged that they rendered valuable service to the cause of education. As long as these associations were purely voluntary, and supported by the contributions of their friends, they had a right to make their own rules; but when Government undertook to subsidize those efforts, then, of course, the matter was very much altered. It was enacted that all elementary schools should be subject to the Conscience Clause, which, to some extent, modified the denominational character of those schools, but the Training Colleges remained as they were, being governed by the same rules as existed when they were purely voluntary institutions. But they were no longer voluntary institutions; so much otherwise that by far the larger proportion of the incomes by which they were supported was derived from Parliamentary grants, and the fees paid by students. He would give some figures,

by way of illustration, taken from the Report of the Committee of Council. He found that with regard to the Training College at Carnarvon the total annual expenditure was £2,227, the subscriptions and donations amounted to only £293. At Cheltenham College the total expenditure was £5,275, of which only £500 was raised by subscriptions and donations; the total expenditure of the Female College in the same town being £2,281, with subscriptions and donations amounting to only £117. The British Schools College, in the Borough Road, had a total expenditure of £7,000, of which only £1,390 was raised by voluntary contributions, and the Wesleyan College, at Battersea, a total expenditure of £4,172, and the donations and subscriptions amounted to £321. Thus it would be apparent to the Committee that, so far as support was concerned, those Colleges had become almost State institutions; and the question was whether it was right that institutions, which were practically dependent on public money, to which all classes of the community contributed, should remain sectarian in their character, government, and teaching. The tendency of their legislation had been, of late years, to unsectarianize education. That was proved by the Elementary Education Act, the Endowed Schools Act, and the various Acts passed by the Legislature during the last 20 or 30 years in relation to the Universities. But the Training Colleges remained on the same footing as before, many of them being, beyond doubt, purely denominational. A Memorial had been sent in to the London School Board, signed by the members of the Teachers' Association in this Metropolis, complaining of the disabilities imposed upon them by the denominational character of the examination to which their pupils were subject before they could enter the Training Colleges. The School Board thereupon applied to each Training College in the country for copies of the forms of application for admission, and for information with regard to the nature of the religious examination required to be passed by candidates. The Returns to the London School Board were as follows:—There were 41 Training Colleges of all kinds in England and Wales. Of these, six made no Return, five had no religious examination, and 25 had returned

that they required, on entrance, an examination in the Old and New Testaments and in the Prayer Book. In all the Church of England and Diocesan Training Colleges this examination was exacted. The Wesleyan Methodists required an examination in the Old and New Testaments and the Conference Catechism; and as to the preliminary inquiries of an ecclesiastical character there were a great variety. Some Colleges merely required testimonials as to character from a clergyman or minister, and others addressed questions of this kind—"Are you a Communicant?" "Are you a member of the Church of England?" "Are you prepared to make a declaration that you will continue as a teacher in the Church schools?" Now, he asked the Committee again whether it was fair that these institutions, which were supported almost entirely out of public money, should have a character so decidedly denominational as to exclude entirely from the advantages of the training they gave all the Nonconformists of the country? He did not wish to say one disrespectful word of the Book of Common Prayer. It was not his habit to speak disrespectfully of anything that was an object of reverence to any of his countrymen; but he might be permitted to say there was much in the Book of Common Prayer that the Nonconformist conscientiously objected to. They did not teach it in their schools; therefore, any of the Nonconformist teachers who wished to go to those Training Colleges were barred by the requirement that a candidate must be examined in the Book of Common Prayer. There was a great hardship in that, inasmuch as these teachers might wish to go to the Training Colleges for the purpose of, afterwards, teaching in the board schools, which did not, and were not, allowed to teach the children the Prayer Book and the Catechism. The board schools were forbidden, by the 14th section of the Elementary Education Act, from giving the children such instruction. No examination on these matters was required in the scholarship examination undertaken by the Government; and yet, when these young people presented themselves for admission to the Training Colleges, they were made to submit to that religious test examination into the Prayer Book, and, in some cases, they

were compelled to declare that they were members of the Church of England. He must say it was time that all this should be changed. It was undesirable that any of these Training Colleges should be denominational in their character; but, in any case, he maintained, the sectarian restrictions which prevented others than members of the Church of England from enjoying the advantages of those Training Colleges, and other institutions supported by public money, should be removed. He was not able to move the Resolution he had put on the Paper, owing to the Forms of the House; but, if the Committee would permit him, he would read it, in order that hon. Members might see the modest proposal he intended to make as to those elementary teachers. It was as follows:—

“That the Training Colleges for Elementary Teachers, which are almost entirely maintained by public grants and by the contributions of the students, should, so long as the present system of denominational colleges exists, be open without sectarian restrictions to those candidates who, being otherwise qualified, pass the scholarship examination with the greatest success, and the same religious liberty should be secured to them during their training which the Law now secures to students at the Universities, Grammar Schools, and in public Elementary Schools throughout the Country.”

He was told it happened very frequently that pupils who had been trained in the London School Board schools, and were proficient in all other branches of knowledge, being perfectly as well qualified to enter into the Training Colleges as any of those candidates who stood by their side, yet were rejected because they would not undergo examinations in the Prayer Book. He said this was unfair, and that the time had come when some change should be effected in the interests of religious liberty.

MR. J. G. TALBOT said, that one of the disadvantages they experienced on the present occasion, and which his noble Friend the Member for Liverpool had referred to, was that they had not been able to follow the interesting Statement of the Vice President by a general discussion. The debate had strayed over various topics, interesting in themselves, some of them highly interesting, almost sensational, and those had diverted them from the main topic of the evening—namely, a review of the educational proceedings of the past, and of the educational policy

of the future. He could not help expressing a hope that if the revision of the Rules of the House was, as had been indicated, to form an important part of the programme for next Session, no new Rule would be adopted which would encourage and sanction the course of proceeding which had been pursued that night. Discussions of that kind came on under great disadvantages at such an hour of the morning, and it was very difficult for one to compress into the few minutes which he felt himself at liberty to occupy all the observations he desired to make concerning the large number of interesting topics referred to. He did not intend to go into the case of Mr. Goffin; but he would say a word with regard to what the hon. Member for Merthyr (Mr. Richard) had, with great moderation from his point of view, just stated. He (Mr. Richard) had made an appeal to the Government, and he thought it would have been very desirable if they could have come to some decision on the subject. Just as in the case of Mr. Goffin they were unable to come to a decision, so also in the matter of Training Colleges they were unable to come to a decision. He hoped the right hon. Gentleman (Mr. Mundella) would not be led into an incautious statement in approval of what had fallen from the hon. Member for Merthyr in so seductive a manner. He had spoken as though a gentle change might be made to bring these Training Colleges in harmony with other institutions in the country, conducted upon what he called the undenominational principle. If they were at an earlier period of the evening he should endeavour to persuade the hon. Member that this institution, whose example he recommended, was not so undenominational as he seemed to think. He would have reminded him of the endowed schools which came under Clause 19 of the Endowed Schools Act, and he would have pointed to the larger “public schools,” as they were called, where religious education was given. But he would not now go into matters of that kind. He would only ask the Committee to remember that any change of the kind the hon. Member proposed would be a great and fundamental change, and not only that, but it would be a change that would amount to something very much like a breach of faith, because, although it was true that those institutions were

supported in a great measure by the State—and he fully recognized the fact—yet it was also equally true that they were founded in a great measure by the liberality of private persons, for the express purpose of their being connected with a certain religious denomination. That remark did not only apply to the Church of England in which he was interested. There were Wesleyan Colleges, founded by and for Wesleyans, and also Roman Catholic Colleges, which were founded by and for Roman Catholics. Therefore, he trusted the Vice President of the Council would not, in a moment of incaution, be induced to adopt the view of the hon. Member for Merthyr, and, by so doing, give a severe shock to public feeling—to a great deal of the sound feeling on which the education of this country had hitherto rested, to which the Vice President of the Council had given credit, and to which the hon. Member himself had given credit. Education in this country was, for a very long time, chiefly dependent on voluntary effort. That voluntary effort was entirely connected with some religious body, and that religious body was mainly Church of England, as being the principal representative of religion in the country. He did not know that he would detain the Committee longer on this matter, except to say this—that there was a great difference between Training Colleges and public elementary schools. In connection with the latter there was the Conscience Clause, and the children of parents of any religious opinion could be admitted, every person's religious convictions being respected. He was not merely going into those matters on his own authority, but the Schools Inquiry Commissioners in their Report said that great distinction was to be drawn between places where pupils were received, educated, and boarded, and those to which children went as day scholars. Boarding schools it was pointed out, were *in loco parentum*, and it was shown that to have no definite system of religious teaching in them would be a serious detriment to their character. He was not speaking to those in the House who would discard religious instruction altogether from all schools; his arguments would be of no value to them; but to anyone who believed in giving young people some religious instruction, he said that unless they instructed the teachers in some definite

form of religion—he cared not for the purpose of the present argument what, so long as it were definite—they had no chance of producing that class of teachers who would be the best and truest teachers in the sense in which they wished the children of this country to be taught. On this subject, speaking of Training Colleges, he was naturally led to say a word on a very important point—namely, the new Code, of which the right hon. Gentleman had given them an outline. He spoke of graduates of any University being recognized as assistant teachers without having to undergo examination for certificates. The existing rule might be relaxed harmlessly; and if that article of the Code was carried out to any extent, they would have a large number of teachers in the country who would not have been trained in Training Colleges, which was now necessary; but would have had the advantages of that free training which was given in the Universities. No work could be more suited to graduates, who had gone through a great deal of teaching themselves, than to impart their knowledge to others. The system contemplated had been already tried, he believed, and had been found successful, especially in the case of ladies. He did not mean to say that those ladies had absolutely taken University degrees; but they had passed the University examinations, and were those who would be expected, under certain circumstances, to take degrees and enrol themselves in the ranks of school teachers. He was glad to see anything like an advance in that direction. Teaching was one of the noblest occupations possible. Anything which raised the profession was a distinct benefit to the community, and he here spoke not only of University, but elementary teaching. He most cordially thanked the right hon. Gentleman for his proposal. He had here one or two figures which he thought he might trouble the Committee with, just to show how great had been the progress of the schools connected with the Church of England—which were the larger part of the voluntary schools—and the large share they had had in the scholastic development of the country. In 1870 the accommodation in the Church schools was 1,365,000, and in 1880, 2,327,379, whilst the average attendance in 1870 was 844,334, and in 1880, 1,471,615; or, in other words,

Mr. J. G. Talbot

962,299 additional places had been provided in Church schools in 10 years; whilst all other denominations, together with the school boards, afforded additional places for 1,399,870. In 1880, there was, as he had said, in Church schools accommodation for 2,327,379, or more than half the whole school accommodation of the whole country, which was 4,240,753. It was said that the school boards represented the elementary education of the country. He did not wish to discourage the good work done by the school boards; but his view was that they had only to supplement what was already partly done by the voluntary schools in the matter of elementary education. But it was important to observe that far from killing, or even checking, voluntary effort, the school board system seemed to have stimulated and encouraged that effort. They were entitled to ask how that had occurred. There was a very pertinent view taken of that matter by some people. They said—"People won't pay twice over for the same thing." It was said—"How can you expect people to subscribe towards the support of voluntary schools when they have to pay taxes for the maintenance of the school board schools?" Well, it was because at the bottom of the voluntary system there was something sufficient to counterbalance the selfish element. There seemed to be in such a matter an analogy with the relief of the poor. It might be supposed that nobody would subscribe to voluntary hospitals, when there were infirmaries scattered all over the country provided out of the rates; but just as they found in that case that people always would provide more in the way of relief than was required to simply meet the necessities of the case, so in this case he thought they would find that the voluntary system of education would not be killed, but would rather be quickened and increased by the action of the School Board. With regard to the details of the new scheme, although they had only heard them for the first time that night, they would give to it all the favourable consideration in their power, and heartily co-operate with the right hon. Gentleman in respect to it.

MR. LYULPH STANLEY wished to say a word or two as to the Training Colleges which were referred to by the hon. Member for Merthyr Tydvil. In the

first place, there was not only the grievance of those who were driven out of the Training Colleges by conscientious scruples, but there was the moral harm to the other ex-pupil teachers who felt compelled to sacrifice their religious scruples in order to obtain the training. That was a result which they ought to look at quite as much as to the injury to those who adhered to their religious opinions. In fact, he thought they ought to consider the latter class rather more than those who withdrew from the Colleges. Then, with regard to the training of teachers, the country paid this large sum of money in order that the most experienced and industrious of the teachers might proceed through the Colleges to the work of elementary teaching. By giving preference to an ex-pupil teacher who passed low down in the examination because he could pass an examination on the Church Service, or who gave a promise that he would teach in Church schools, they got inferior teachers when they might secure superior teachers. He did not think it necessary to labour that point further, except to remind the hon. Member for the University of Oxford that freedom of conscience and exemption from religious services and instruction existed in all the Colleges among the undergraduates. He congratulated the right hon. Gentleman on the steady progress made by his Department this year. The progress was, perhaps, not as great as they would have liked to see; but there was a sufficiently distinct progress to make them feel that they were promoting elementary education. He did not think it was necessary, at that late hour, for him to take up the challenge the right hon. Gentleman threw down as to the expensiveness of the London School Board. The right hon. Gentleman knew that he held strongly that the duty of the Department was to look after the efficiency of the School Board and not the cost, which was the business only of the rate-payers. He hoped the Department would keep their minds on the question of efficiency, and not run into other matters. They had too much of the Education Department under the late Government, when it tried to hold up economy at the risk of sacrificing efficiency. It was not proper in a debate in Parliament to drag in considerations of cost as between one

school and another. Then, with regard to the proposals for the revision of the Code, no one could give a final opinion favourable or unfavourable upon them. It was a most important scheme, and full of very valuable considerations; but their remarks that night must be purely provisional, and further discussion must be reserved. But there were one or two points which he should like his right hon. Friend to consider before finally pledging himself to this scheme. He should like to suggest under No. 5 whether sewing, which was to be compulsory for all girls, might not be made optional for girls who were half-timers. It was necessary there should be compulsory sewing; but in industrial districts, where girls were half-timers, they got so little opportunity for mental training that he thought sewing should not be made part of the curriculum. Then, as to Clause 6, the Department had to steer between two shoals, the danger of mechanical instruction, and the danger of trusting everything to inspection. If they wished to give the Inspector greater power and liberty, they would be exposed to the danger of its being said that they were putting the schoolmaster under the Inspector, and enabling the Inspector to impose his own theories upon a whole district. That was a danger they ought to be alive to—the danger of excessive State interference. He was sufficiently in favour of local individualism not to wish to see that, but to see something like free play and individual working out of the educational system in the country. A stereotyped pattern of education throughout the country would be, on the whole, bad, although it might be useful in backward districts. He welcomed No. 8 as to adult teachers; but he should like to call the attention of his right hon. Friend to No. 8 in connection with Nos. 36 and 37. He gathered from the Vice President of the Council that by the latter Articles of the Code it was intended to wipe out the ex-pupil teacher in favour of certificated teachers. He did not dissent from that; but he should like to ask what was the meaning in No. 8 of an adult teacher up to the number of 40, and a certificated teacher when the number amounted to 60. Then, in No. 20, needlework would cease to be a class subject. It had been put in as a necessary subject according to the

Schedule; but it would be a necessary subject in the routine of the day, and not a class subject. He did not object to that; but he would remind the Vice President of the Council that if he put needlework in the Schedule he would materially raise the standard, because at present, if needlework was taught according to Schedule, it was taught as a class subject, and it became a matter for extra grants. The modification of the specific subjects was too minute a proposal to be discussed at that hour; but it would naturally be discussed in the autumn by persons practically engaged in education. In No. 28, he thought the Vice President was going too far in the direction of checking and discouraging specific subjects unless elementary subjects were well taught. He had not the slightest objection to the provision that where less than 75 per cent passed in elementary subjects the grant should not be paid in that particular year for specific subjects; but he thought it would be hard to reduce the grant if there was less than 75 per cent passed in the previous year, for there might have been many things, such as an epidemic, for instance, to interfere with the results. He knew schools in one district of London where they frequently got less than 75 per cent, but where the Inspector reported that the state of education was thoroughly satisfactory. In fact, he believed that in that particular district schools were more efficient, passing under 75 per cent, than many other schools passing up to 85 or even 90 per cent, so different was the standard of different Inspectors. Therefore, he thought to prohibit the grant for specific subjects merely on account of the percentage of the school would be a mistake. He should not object to giving the Inspectors some discretionary power, or that if they reported the general teaching of a school to have fallen back, the grant for specific subjects for the coming year should be suspended; but he did not think they should have a mechanical self-acting standard like 75 per cent. With regard to night schools, he sympathized with the desire of the Department to raise the teaching; but night schools took up education after a boy had left the elementary schools, and it was not enough to go to the Seventh Standard in those schools, because some of the boys would probably have passed the sixth or even the seventh by the time they were 13

years old, and for these there would be no further education in the night schools. He should like to see something which would enable night schools to go beyond that. Then, with regard to No. 34 and the three pupil teachers, he sympathized with the intention of the Department to keep down the number; but three pupil teachers would be too many in a small school of, say, 120 average attendance; while, on the other hand, in infant schools with an average of 600 three pupil teachers would not be sufficient. He would rather fix the number at one for every 100 of the average attendance. That would keep down the number of teachers more than the present proposal. As to No. 36, he agreed with the proposal to reduce the value of the certificated assistant, and to let him count for 60 instead of 80; but he thought it would be necessary, if they reduced the value of the assistant, that they should reduce the value of the pupil teacher. He had hitherto been valued as half; but if they made the value 40 as compared with 60, they were stimulating pupil teachers rather than assistants. As to No. 39, dealing with graduates, that had been spoken of as if it were a concession; but it did not concede or give anything of moment, and there was nothing to prevent a graduate of a University getting an appointment to a school and sitting for his certificate. He would admit no ex-pupil teachers unless they were prepared to pass the Government examination; but he would not close the door absolutely to persons who might be of great merit, and some of whom were doing admirable work in their schools, unless they were prepared to go through a University training. Although, as a rule, that training was valuable, they might get some people who had been teaching in private schools, but could not afford University training, who were very efficient for teaching; and they would be doing great injustice to them and depriving elementary schools of valuable teachers by the present proposal. Then he thought No. 39 would immensely strengthen the argument of the hon. Member for Merthyr Tydvil (Mr. Richard) in favour of breaking down the present monopoly of the Training Colleges. But if they proposed that the only door of admission to the schools should be the Training Colleges, they made an overwhelming

argument for the contention against any denominational distinction whatever. On the whole, however, he congratulated his right hon. Friend upon his scheme.

SIR JOHN LUBBOCK said, he thought two parts of the Vice President's speech seemed to afford general satisfaction to the House—his expressed desire to render educational endowments more generally useful, and his statement that he would bring in a Bill next year. Although he did not now propose to go into the question of endowments at any length, he would submit to the right hon. Gentleman whether it would not be possible to do something in the meantime. The facts were these. Whereas the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) hoped that the Endowed Schools Commission would be able to deal with all the endowed schools in five years, 10 years had elapsed and less than half of the schools had been dealt with. He would, therefore, submit to his right hon. Friend whether it was not possible to increase the number of the Charity Commissioners so that there might be some more rapid progress made. Unless that was done it was perfectly clear that they could not hope that any more rapid advance would be secured. He hoped it would not be supposed that he was complaining of the Charity Commissioners. He believed they had worked with all due diligence, and that they were not to blame in the matter. At the same time, the question was one of much importance. It was one thing to prepare a Bill, and another to pass it through Parliament; and, therefore, even if his noble Friend the Secretary to the Treasury (Lord Frederick Cavendish) was prepared to introduce a Bill next year, it was still very desirable to hasten the action of the Endowed Schools Commissioners in the meantime. There was one point connected with higher education upon which he should like to say a word—namely, as to the great desirability of knowing what was being done in the schools of the country. He did not desire to interfere with the action of the head masters and Governing Bodies of schools; but he thought that parents should have the opportunity of knowing what kind of education their sons would receive. They had Blue Books containing interesting and valuable statistics as to the property, land, and buildings belonging to

the public schools; but they really had not, until the Returns given him by his noble Friend the Member for Middlesex (Lord George Hamilton) two years ago, any information as to the system of education pursued in the public schools, and he regretted to say, in spite of all that had been said as to the desirability of introducing modern languages and science, only two or three hours at the most were being given to each of them. Those who felt with him in that matter would be sorry to see literature excluded from the public schools; but as there were 42 hours devoted to study he would hope that some greater amount of time would be devoted to those branches.

THE CHAIRMAN: I must point out that the hon. Member is now dealing with the question of secondary schools, whereas the Vote before the Committee is one for the elementary schools.

SIR JOHN LUBBOCK thought the Vote included the expenses of the Education Committee; and, therefore, he had considered that he was justified in alluding to that question. He would, however, not pursue the question, but would only ask his right hon. Friend to give attention to the subject. Coming to the question—namely, of specific subjects in elementary schools, there was one point connected with the Inspectors to which he would like to call the attention of his right hon. Friend. His right hon. Friend had told them that evening that he proposed to deal with that subject. Last year he (Sir John Lubbock) troubled the Committee with statistics showing conclusively that the introduction of specific subjects, so far from interfering with reading, writing, and arithmetic, really benefited the merely fundamental subjects; and he thought the statistics which had been produced that day showed that experience had proved that the introduction of specific subjects had not had the effect of interfering with the study of other subjects. Although the hour was late, he hoped he might be permitted to mention one little anecdote which showed how well children were able to follow a little instruction in this matter. A friend of his, the wife of a distinguished Member of that House, had given lessons in mechanics to one of her children only about four years old. Some time afterwards she told him the story of the fox and the crane, and how the crane extracted the bone from the throat of the

fox. When she came to the end of the fable the child said—"Well, Mamma, was it a hand crane, or was it a steam crane?" He regretted to find from their Reports that some of the Inspectors were very unfriendly to the specific subjects. He did not wish to quote any names, because he did not wish to make a personal attack upon the Inspectors. According to the Blue Book, for instance, one of the Inspectors said he had no sympathy with the desire to add science to the subjects already taught; another said that it would be ridiculous to see 3,800,000 children assembled listening to sermons on stones; another stated that children could not understand scientific questions at all; another did not regret that specific subjects were not taught in his schools; and another could not see what business a Fourth Standard child had to be dabbling in science. All this showed how very little appreciation there was of the instruction proposed to be given. He would not weary the Committee with other quotations to the same effect; but he would submit that these gentlemen had such strong views on the matter that they could hardly be expected to give to these specific subjects a fair trial when they were brought before them. He heard one or two expressions which fell from his right hon. Friend in his opening address with great regret. At the same time, he did not think, on further discussion, that it would be found that they differed very much after all. At any rate, he was glad to hear the proposal that technical knowledge should be continued from the commencement of school life until the close. He agreed with what had been said by the hon. Member for Oldham (Mr. Lyulph Stanley) as to leaving the school committees as free in this matter as possible. He objected strongly to the proposal to make grammar a compulsory subject. No doubt a very large proportion of schools would take grammar as one of the class subjects; but still he should like to leave the school committees the option of doing as they pleased in that matter. He did not understand how many specific subjects could be taken in addition to class subjects.

MR. MUNDELLA: Two.

SIR JOHN LUBBOCK: May a third class subject be taken as a specific subject?

Sir John Lubbock

MR. MUNDELLA : Yes.

SIR JOHN LUBBOCK said, he was glad to hear that that was the case. Of course, they could not now discuss all the details of the proposed arrangements. It struck him in looking through the Code that it might be improved in details; for instance, that it made rather too little reference to plants; but that question they would have an opportunity of considering afterwards. He was glad, as a University Member, to see the step which his right hon. Friend proposed to take in that direction; and, on the whole, he thought they might fairly congratulate his right hon. Friend on the fact that the alterations he proposed were likely to be of benefit to the education of the country. He thanked the Committee for allowing him to make these observations; and in sitting down he would only add that they might all congratulate themselves on the energy, ability, and zeal with which the right hon. Gentleman the Vice President was conducting the important duties of his Office.

MR. NEWDEGATE said, he trusted the hon. Member for Merthyr (Mr. Richard) would excuse him if he expressed some pain at the observations which the hon. Member had addressed to the House. It seemed to him that the hon. Member was bent on invading the voluntary principle. He might be wrong; but that was the impression that the speech of the hon. Member conveyed. He was old enough to remember when the representatives of the denominations strove earnestly for the recognition of that principle, and he very humbly aided them in that object; but now the hon. Gentleman pointed with jealousy to the success of that very principle, because the most successful denomination had been the Church of England. Next to the Church of England, the hon. Member pointed out, not as a subject of congratulation, but as a subject of regret, the amount which the Wesleyans had earned for their Training Colleges. Now, if that was not a recognition of the voluntary principle, he (Mr. Newdegate) knew not what was. The hon. Gentleman would carry the point at issue to this—that not equality of treatment, but numerical equality, should be insisted upon; and that was a most tyrannical principle. The hon. Member would excuse him if

he asked the hon. Member to glance back at the period of the Commonwealth. Surely he would accept Cromwell, advised, as he was, by his chaplain, Owen, and his secretary, Milton, as in favour of religious freedom up to the point when freedom became irreligious. If the hon. Member would study the history of the Commonwealth he would find that Cromwell, advised by Dr. Owen, and with Milton for his secretary, was compelled to restrain with a strong hand that denominational jealousy which that great man clearly foretold would, if gratified, prove fatal to all religious freedom.

MR. H. H. FOWLER said, it was stated that they had little to do with economy, but that their great point should be efficiency. The Education Department had to consider both economy and efficiency, and the attention of the country had therefore been properly directed to the increased expenditure for educational purposes. The grant in 1870 amounted to something like 9s. 8d. a-head. It had now risen to 15s. 8d. a-head; and he was afraid, from some indications which his right hon. Friend had given, that he did not contemplate any limit to the amount to which the grant might go. He should be sorry to object to any expenditure that would secure the efficiency of the schools; but as there was a growing tendency towards extravagance in the local administration of the educational expenditure of the country, and as it arose, to a great extent, from having the Imperial Exchequer to fall back upon, he did think that that was a point deserving of attention. He did not propose to pursue that matter further; but with respect to the challenge given to him by the right hon. Gentleman, he wished to call attention to one sentence contained in the Report of the right hon. Gentleman himself, which the right hon. Gentleman did not read to the House, but which he (Mr. H. H. Fowler) regarded as very unsatisfactory and very depressing. The Report said that—

“Whereas, out of 1,900,000 scholars examined, there were 969,000 over 10 years of age who ought to have been presented in Standards IV., V., and VI., but that only 461,000 were so presented.”

[MR. MUNDELLA : Hear, hear!] His right hon. Friend said “Hear, hear;”

but he (Mr. Fowler) contended that it was a most unsatisfactory state of affairs that only one-half of the entire number were presented. The Report, however, did not state there what it did in the Appendix—namely, that the total number who passed in Standards IV., V., and VI., out of the 461,000, was only 263,000; and he ventured to say that when they found so large a number who failed in those Standards, it was impossible that they should allow the education to remain there. In Standard VI. last year 52,625 children were presented for examination; but only 58 per cent of that number passed. The practical result of that was that they were paying in this country something like £5,000,000 per annum for the education of the rising generation, out of which the Imperial Exchequer and the local rates contributed £2,750,000, and yet the result was that less than 40,000 children passed a satisfactory examination in reading, writing, and arithmetic. He said that that was not a satisfactory state of things, and he had sufficient confidence in the right hon. Gentleman to believe that he would do his utmost to bring about a better condition of affairs. He was sorry to see in the New Code introduced to the House that night that it was not intended to grapple with the question of the age at which children should be compelled to pass in the several Standards. By Clause 15 it was provided that a boy of 10 years of age, after April, 1883, should be passed over in the First or Second Standards. Now, the First Standard ought to be passed by a boy of seven, the Second by a boy of eight, the Third by a boy of nine, and the Fourth by a boy of 10. And yet he saw a clause introduced to allow children over 10 years of age to go on for two years, and then to allow them to escape two of the Standards. Their educational system had now been in force for 10 years; and he thought the Department would be justified in saying, before they granted the public money to any school children, that a child of seven years must pass in Standard I., another of eight in Standard II., and so on, carrying out their own rule. In that case he did not think it would be found that out of 461,000 children examined in Standard IV. only 260,000 were able to pass. He congratulated his right hon. Friend on the masterly

Mr. H. H. Fowler

and statesmanlike manner in which he had made his Statement that evening, and on the determination he had evinced to make his administration of that Department a great success; but he would press upon him the necessity of raising, as far as possible, the standard of general education.

Mr. MUNDELLA said, he hoped it would not be thought disrespectful if he did not reply to many of the questions which had been addressed to him in the course of the discussion. The noble Lord the Member for Liverpool (Viscount Sandon) had made some useful suggestions, and also the hon. Member for Oxford University (Mr. J. G. Talbot). He should very much like to allude to those suggestions if it were not for the lateness of the hour. He had only time to answer the question which had been raised by his hon. Friend the Member for Merthyr (Mr. Richard). Before doing so, however, he would say in reply to his hon. Friend the Member for Wolverhampton (Mr. H. H. Fowler), who asked him to put more pressure on the schools of the country in order to bring more children into the higher standard, that that was not where the pressure was required. The pressure should be put first on that House, and next on the local authorities. If they wanted the children to pass in the Six Standards they should have the courage to do what was done in Switzerland, Germany, and other countries, and say to the children that they must continue at school from the 6th to the 14th year, until they had passed through all the curriculum laid down. It was of no use saying to a child that it might work half time as soon as it had reached the Second and Third Standards, and full time when it had reached the Fourth, and then complain that the schoolmaster did not make all the children pass the Sixth Standard. It was not the fault of the secular schoolmaster, but of Parliament which seemed to have a low estimate, of what the education ought to be, and had never had the courage to do its duty to the children. They talked about foreign competition, and yet they still sacrificed their children to that foreign competition. When Parliament exhibited more courage his faith in the principles of a higher education would be considerably strengthened. What they ought to do was to keep their children

at school up to their 14th year. That was his answer to the statement of the hon. Gentleman, and the whole answer he had to give him. He certainly believed that their system and their schoolmasters were quite as good as those of any other country. He was sorry he was not able to give as complete an answer to the hon. Member for Merthyr (Mr. Richard) as he should like. He confessed that the question of the Training Colleges had not occupied his attention. He was assured, however, that school board teachers did go to the Training Colleges, 123 male and 224 female teachers having passed through them, according to the last Return. He was told that legislation would be necessary on this subject; but that depended on the will of the House. He thought no teacher ought to be debarred from the Training Colleges on account of his or her religious opinions, and he was prepared to consider what was necessary to be done in that matter. If his hon. Friend would give him a little time he would look into the question. His noble Friend (Viscount Sandon) had complained that he had set a bad example by making his Statement with the Speaker in the Chair; but he could assure him that this course was adopted after much consideration, and with due regard to the convenience of the House, for had not his Statement been made under these circumstances, he was sure, having regard to the number of Motions on the Paper, that he should have been making it now. He hoped, after the satisfactory discussion which had taken place, that he might be allowed to take this Vote.

MR. ILLINGWORTH said, he regretted that this most important subject of education had been brought on so late in the Session, and at so late an hour of the night. He thought it was a reflection on Members of the House that when small matters were under consideration, there was, as a rule, a full attendance, but that when subjects of the deepest interest were before them they found themselves reduced to scarcely a quorum. The Vice President of the Council had not absolutely closed the door against his hon. Friend (Mr. Richard); but he was bound to say that the assurances he had given were of a very vague character. Now, in these days, when religious tests had been removed in every

direction, it was impossible that in such a matter as elementary education those who were qualifying themselves for the position of teachers should be debarred from entering any public training institution they pleased. Sooner or later some change must come. He thought his hon. Friend had put his proposal in the mildest form, having regard to the prejudices of those who sought to maintain the denominational character of the Training Colleges; but if it was found that some relaxation of the present tests was not conceded, he was certain that some radical change must be made in the direction of establishing Training Colleges against which the objection now urged would not lie. The hon. Gentleman the Member for North Warwickshire (Mr. Newdegate) had reproached his hon. Friend with having gone counter to the voluntary system. But he did not see how this could be said, seeing that 95 per cent of the maintenance of these institutions came from the public funds, and that there only remained 5 per cent upon which they could hang their claim to be considered voluntary institutions. They were not voluntary institutions; they were public institutions controlled by denominations and maintained by public money, and they were, therefore, anomalies. It was only fair on the part of his hon. Friend to say that, unless some substantial proposal by way of relief were made, it would be necessary next year to proceed much further than his hon. Friend now proposed. Let hon. Members look at the possible injury done by the present system. The hon. Member for Oldham (Mr. Lyulph Stanley) truly stated that the object should be to provide the highest class of teachers which the country could find; and what had been the result of the Test Act so far as our Universities were concerned? The last 17 years would testify. In 11 of those years the highest honours had been taken by Dissenters, who, before the Act was passed, were denied the right of entry. There had been gross injustice done to men belonging to the Dissenting Bodies of the country in placing obstacles in the way of their entrance into suitable training institutions. Again, he must say that the right hon. and other hon. Members were by no means entitled to call the denominational schools of the country voluntary schools,

because they were only so to a limited extent; and they knew that a great proportion of their cost came from the taxes of the country and the payments of the children. The great blot on the Education Act of 1870 was the leave given to denominational bodies to claim and occupy as much ground as they liked; and the country, as was well known, was startled by the sudden zeal shown by denominationalists to occupy ground which ought to have been really occupied by a national system of education. In the rural districts it was notorious that this denominational zeal had been shown for the purpose of keeping out board schools and the representative system. He himself had a curious instance of this presented to him in conversation with a clergyman in the North of England, who said—"Although he was certain the change must come, he had been round to all the farmers to put them on their guard against the possibility of having board schools in the parish." That was evidence of the strongest kind of the prejudice which prevailed in certain quarters against the board schools. It was now asked that what was maintained at the public expense, and what was established by national authority, should be put under national control. He deeply regretted that their Episcopalian friends did not take up their position side by side with their fellow-citizens in the maintenance and furtherance of national control with regard to the educational system of the country. In conclusion, his right hon. Friend pointed to the sum of £18,000 a-year contributed in aid of the Training Colleges; but he thought he must know that that sum represented but a small percentage of their entire cost, and by no means entitled him to defend their present position. He believed that those who were favourable to national education in this country would be justified in putting entire confidence in his right hon. Friend, knowing that he would hold the balance fairly, and that justice would be done.

Mr. WOODALL wished to know whether, in addition to the grants upon class subjects, aid would be given towards instruction in specific subjects in night schools?

Mr. HEALY asked, in reference to the statements of the hon. Member for Wolverhampton (Mr. H. H. Fowler),

Mr. Illingworth

whether it had been brought under notice that the real reason why children were prevented from passing in the higher Standards was that they were compelled, owing to the inherent difficulty of our orthography, to pass the first seven or eight years of their lives in learning to read? He asked, also, whether anything had been done with regard to the Memorial from 130 school boards for making use of a concurrent phonetic system of spelling? He should be glad to know whether the Department had made any inquiries into the matter, and whether they were prepared to give that proposal recognition side by side with the old musical notation? He might as well give Notice that he would take an early opportunity of moving that a Select Committee be appointed to consider the desirability of establishing a phonetic system of spelling.

Vote agreed to.

Mr. BIGGAR said, it was now after 2 o'clock, and he therefore begged to move that the Chairman report Progress. It was unreasonable to keep them sitting here at this hour, when they had most important Business to get through to-morrow. They would, at their next Sitting, have the Land Bill before them again, and it was desirable that they should be able to give that attention to it which would enable them to deal with it satisfactorily. In the last Parliament they were never asked to vote money after 1 o'clock; but now the Government seemed to think it the proper thing to ask them to sit up all night voting money.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Biggar.*)

Mr. MUNDELLA said, the question of Science and Art was thoroughly discussed in the early part of the night. The hon. Member for the University of London (Sir John Lubbock) had sat there a very long time to discuss the British Museum Vote.

Mr. BIGGAR said, he did not wish to be unreasonable. The Government were anxious to make a Jew's bargain; but he (Mr. Biggar) desired to be perfectly reasonable. Therefore, on the understanding that after the Science and Art Vote had been disposed of Progress

would be reported, he would withdraw his Motion.

Motion, by leave, *withdrawn*.

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £227,181, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Science and Art Department, and of the Establishments connected therewith."

MR. G. HOWARD said, that in the absence of his hon. Friend the Member for Ayrshire (Mr. Cochran-Patrick), who had interested himself in the matter, and who, if he had been present, would have called attention to it, he wished to say a word with regard to the General Pitt Rivers' Correspondence. A Committee, upon which were to be found some of the very best names from a scientific point of view, was appointed to consider whether General Pitt Rivers' offer should be accepted or not. The Committee unanimously recommended that the collection should be taken over, and one was rather surprised to find that the Department had not adopted that course. They gave as their reason for not accepting the collection, first of all, want of space; but that was a bad argument in connection with a National Museum, especially now that something was being said about enlarging it. The next reason given was that there was a collection of a similar kind at the British Museum. Well, that was entirely disputed not only by General Pitt Rivers himself, but by the Committee, who stated that the collection would not interfere with any existing collection. It was arranged on different principles, and illustrated different points. He would not detain the Committee, but would urge most strongly on the Government the desirability of reconsidering their decision. He trusted they had not given a final answer.

SIR JOHN LUBBOCK said, that, as Chairman of the Committee to which reference had been made, he hoped he should be allowed to say one or two words. He had heard one or two murmurs, and if hon. Members were to discuss these Votes, he trusted the Committee would allow them to do it without interruption. This collection of General Pitt

Rivers was, perhaps, one of the finest collections in the world. The collection was offered to the nation by General Pitt Rivers, and not only that, but this gentleman undertook, if the collection were accepted, to provide a curator at his own expense. The Committee unanimously decided that the collection was of the greatest value and interest, and should be accepted; and, having done that, the Government then declined to receive it, on the ground of want of space. It would have been much better if the Government had made up their mind not to accept the collection at the outset, instead of appointing a Committee of scientific gentlemen, whose time was of great value to them, whose recommendation had been ignored. He did not suppose the hon. Member wished to divide the Committee on this Vote; but he (Sir John Lubbock) would like to know whether the decision of the Department was final, or whether the matter was still open? General Pitt Rivers did not care whether the collection was under the South Kensington authorities or those of the British Museum; but, having got together a most interesting collection, he wished to present it to the nation, and it appeared to him (Sir John Lubbock) very unwise to decline it, and not to see whether some arrangement could not be made under which it could be accepted. If the Government did not care about putting the collection in the South Kensington Museum or the British Museum, arrangements could, perhaps, be made for exhibiting it permanently at Liverpool or Manchester. He therefore ventured to express a hope that the Government would not look upon this matter as absolutely finally closed, but would place themselves in communication with General Pitt Rivers, with a view to seeing whether some arrangement could not be made for the purpose of accepting this very valuable collection for the benefit of the nation.

MR. MUNDELLA: The Department quite recognized the public spirit of General Pitt Rivers; but the ground on which they have declined the collection is that it is not suitable for preservation in the Museum at South Kensington, where the collections have reference to Art and applied Science. It is an ethnological collection, and can be of no kind of value in the work South Kensington has to do. As to want of space, the hon.

Member is mistaken about that. The gallery in which the collection is arranged belonged to the Commissioners of 1851. They at first allowed us to have it without rent; but they now ask us to pay £2,000 a-year for it. More than that, General Pitt Rivers says the collection requires a certain amount of space, and that amount of space seems to us to be altogether out of proportion to the advantages of possessing the collection. He says he will require almost double the amount of space he at present occupies at once, and then he desires to have the collection entirely under his own control. He requires that the collection shall not in any way be dispersed, or dealt with otherwise than as he pleases. He insists on having it entirely under his own management during his lifetime. It seems to me that gifts made to the nation in this form should not be accepted. No one, however generous he may be, has a right to impose these conditions. A gentleman, in giving a collection, should say, as many people have said before—"You may take my collection as a whole, and I will have no connection with it whatever." As it is, General Pitt Rivers wants to have the collection under his own control, and we are to pay the expense of its maintenance. The proper place for the collection is the British Museum, where there is already a small collection. Why should not this collection go with the National Collection? No doubt it is a very interesting collection; indeed, it afforded me considerable pleasure when I went to see it; but, at the same time, South Kensington is not the place for it.

MR. THOROLD ROGERS said, what a pity it was that General Pitt Rivers did not go to the University of Oxford, where he would have got abundant room and better treatment than he had received from the stingy autocratic body he had gone to.

SIR JOHN LUBBOCK said, the collection was at South Kensington already, so that the objection of want of space was not a good one. If they accepted the collection, and desired to part with it, the Government could give it up again at any time. General Pitt Rivers had offered to provide a curator; and, again, on the question of space, hon. Members would see, if they referred to the Report of the Committee he had referred to, that they had expressly

guarded themselves against the demand for so much space. If it was understood that the refusal was on the part of the South Kensington authorities, and not on the part of the Government as a whole, they would have gained their point. Whether the collection was put in South Kensington or the British Museum was not a matter of importance. What they desired was that this valuable collection should not be lost to the nation.

MR. MAGNIAC said, he entirely agreed with the view which had been taken of this matter by the South Kensington authorities. The collection was entirely different to anything at South Kensington, and it took up an enormous amount of room. It was utterly unsuitable, and the Government was right in not accepting it. It was said that General Pitt Rivers would provide a curator. So he would; but at his death the authorities at South Kensington would have to look after the collection themselves. As to the British Museum taking the collection, that was entirely a matter for General Pitt Rivers and the Museum Trustees. The Government could not control them, and if General Pitt Rivers wished his collection to go to South Kensington, he had nothing to do but to go to the Trustees. It would be putting their funds to an improper purpose to accept the collection at South Kensington.

MR. HEALY said, there was an item of £150 for house rents for Sir Richard Wallace's Collection, which was removed in 1873. Why should the Vote have gone on since 1873? This Vote embraced the Dublin Museum of Science and Art, and he was sorry that the Vote should have been taken, as the hon. Member for Carlow (Mr. Gray), who was not now present, was very much interested in it. The hon. Member would be in his place to-morrow, and he (Mr. Healy) had hoped that he would have been able to speak upon this matter. There was a strong feeling in Ireland on the subject of the Science and Art Museum of Dublin, and it would have given his hon. Friend much satisfaction if he could have had an assurance with regard to it.

MR. MAGNIAC said, that on page 314, in what was supposed to be a *résumé* and analysis of the Vote, there was an item

of £30,380 for "purchases, catalogues," &c. There was not a line, however, in the Estimates showing what the purchases had been. They knew that South Kensington and the other Departments must purchase specimens; but it was desirable that the details of those purchases should be shown, as, owing to jealousy, the different Departments might compete with one another.

MR. MUNDELLA: As to the question asked by the hon. Member opposite, I stated about a month ago that we had sent a person over to Ireland to see what amount of space was required at the Dublin Museum, and to prepare a ground plan. We have received from the Treasury a notice that the Office of Works in Dublin is prepared to put out an advertisement inviting tenders for the building of a new Science and Art Museum forthwith. Nothing can be done until that matter is decided.

MR. BIGGAR wished to have an explanation of the item £6,234 for "Simpkin's Defalcations," and of the item £500 for "Solar Physics." What did these Votes mean?

LORD FREDERICK CAVENDISH said, he was sorry to state that "Simpkin's Defalcations" was an item which had appeared in the accounts for many years. The defalcations were only wiped out last year. With respect to "Solar Physics," he thought that explained itself.

MR. HEALY said, he saw in the Vote the item of £150 for house rent, and he would suggest that if it was to be a permanent item it should be transferred to the Buildings Vote.

MR. ARTHUR O'CONNOR said, he thought the noble Lord was right in saying the solar physics spoke for itself. It was evident he had not much to say in support of it, and all the best authorities in the country thought that this item ought not to appear in the Estimates. The ex-Astronomer Royal, writing on this subject, said—

"I think that the granting of public money for scientific research ought not to be sanctioned, unless in one of the following cases:— Either where it appears probable that results useful to the public will be obtained, or where it appears that scientific investigations, interesting to the educated classes, and commensurate with the probable cost, are beyond the reach of private persons or societies, but may be undertaken with advantage at the public expense. My objection to the establishment of the Committee

on Solar Physics is intended to apply only so far as it is a paid Committee; I do not object to the purpose for which the Committee was appointed, or to the payment of a secretary, or to expenses incidental to an office. The Committee, I believe, have faithfully discharged their understood duties, and I shall willingly co-operate with them to the best of my power."

What was this item? £500 was paid to one or two men who thought they were promoting scientific research, while they were simply amusing themselves by looking through telescopes and spectroscopes from one year's end to another. He was not at all singular in his opinion upon this. In April there was a special meeting of the Royal Astronomical Society with regard to this item, and the following resolutions were passed:—

"(1.) That, in the opinion of this Society, the granting of public money for scientific research, in cases where it does not appear that results useful to the public will be obtained, or where the researches proposed are likely to be undertaken by private individuals or public bodies, does not tend to the real advancement of science. (2.) That this meeting considers it inexpedient that a Physical Observatory should be founded at the national expense. (3.) That this meeting is of opinion that the Government grant to the Committee on Solar Physics at South Kensington should be discontinued. (4.) That, in the opinion of this meeting, full accounts should be published of all money expended by the Government for scientific purposes, and that in all cases the nature of the work to be undertaken should be defined as clearly as possible."

His expression as to looking through telescopes was not his own; it was the expression of Sir Edmund Beckett, who said—

"You may employ anybody if you like to amuse himself with looking through a telescope and a spectroscope, and there may be no definite work expected;"

and—

"On the other hand, if a man is to be paid for only amusing himself, in order that he may every now and then publish a book on some solar theory, or something of that kind, there is no sort of security that he will be employed usefully."

And again—

"There was the great object that was to be obtained by what has been called in later times by the amusing name of the science of sun-spottery. I do not know that that science so-called has done much for mankind."

These were the views of the Astronomical Society, and he thought that Society might be supposed to have as good a knowledge of the subject as Members

of this House. Mr. Ranyard, one of the members of the Society—

“Considered that those who asked for endowment ought to be able to show the usefulness of the researches upon which they were engaged—for instance, that the study of solar physics was useful to prevent periodical famines in India, and so on.”

Mr. Bidden, who was certainly an authority, said—

“Having listened to the letter of the Astronomer Royal, he thought it was directed to discouraging the grant of money to gentlemen of a scientific turn who had no particular definite object in view, but who desired to promote in a particular manner the science in which they were interested, without any evidence of its being for the benefit of mankind in general. No doubt, many would be very glad to spend more of their time in scientific experiment, and to dignify it with the name of scientific research; but there should be an adequate motive of public utility for making an application for a grant of public money.”

He thought that was very reasonable, and he should be glad if the Government could state what Public Service had been forwarded by voting this item for Solar Physics year after year. He had no hesitation in saying that he regarded it as a waste of money, given to keep a particular individual in a very pleasant semi-occupation—in something like what Addison called “physi-idleness.” It was not worth while to pay £500 to gentlemen for physi-idleness.

Motion made, and Question proposed,

“That a sum, not exceeding £226,681, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Science and Art Department, and of the Establishments connected therewith.”—(*Mr. Arthur O'Connor.*)

MR. STORY-MASKELYNE thought the observations of the hon. Member ought not to pass without comment by one who knew Mr. Norman Lockyer. He did not like to hear an hon. Member, who knew nothing about this matter, speaking of the labours of scientific men in a most insolent manner—

MR. HEALY rose to Order, and asked whether the term “insolent manner” was a proper term to use?

THE CHAIRMAN: I do not know whether it is un-Parliamentary, but it is not becoming.

MR. STORY-MASKELYNE would withdraw the words, and substitute “most unbecoming manner.” He was

Mr. Arthur O'Connor

sure that if the hon. Member knew anything at all about the branch of science to which Mr. Lockyer had contributed important discoveries, one of which had been crowned by the medal of the French Academy—a body that was certainly a good judge—he would see that something had been done by the gentleman of whom he spoke in such a flippant manner. He did not think any £500 could be voted for a better purpose than that of promoting such research.

MR. ARTHUR O'CONNOR said, he certainly would not withdraw his Amendment. He knew it was Mr. Lockyer who was concerned; but he had not gone upon his own opinion, but on those of the ex-Astronomer Royal and other members of the Society.

LORD FREDERICK CAVENDISH said, this Vote was made on the special recommendation of a special Committee of distinguished gentlemen.

SIR JOHN LUBBOCK said, he had been talking to the ex-Astronomer Royal a few days ago, and thought he expressed an opinion rather the opposite of those given in the passages quoted by the hon. Member.

MR. ARTHUR O'CONNOR repeated that what he had read had been the proceedings of the Royal Astronomical Society in April last. Mr. Christie, the new Astronomer Royal, read the letter of the ex-Astronomer Royal in the sense in which he signed the first of the third resolutions.

MR. HEALY said, he differed somewhat from his hon. Friend the course he had taken; but he thought the hon. Member was as much entitled to be heard on the subject as the hon. Member for Cricklade (Mr. Story-Maskelyne). His hon. Friend had known Mr. Lockyer for 15 years as a friend; and he was, therefore, perhaps, competent to know what that gentleman's capabilities were. He himself would not oppose any Vote for scientific research; for he did not think this country spent enough in that direction. He believed every one of Mr. Lockyer's theories had been confuted; but they could not expect to get truth without discussion, and he would respectfully ask his hon. Friend to withdraw his Amendment.

MR. MUNDELLA said, he would also appeal to the hon. Member to withdraw. What this country had done in science was highly valued in India.

MR. ARTHUR O'CONNOR said, he was perfectly convinced that this was money thrown away; but as he did not think he should have anyone to "tell" with him he would withdraw.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(8.) £69,939, to complete the sum for British Museum.

MR. SPENCER WALPOLE: You are about to move, Sir, the Vote for the British Museum, and there are two points upon which I wish to speak. The first is on the apparent increase in the Estimate. That is not an increase proper, but is an increase entirely, or almost entirely, on account of the removal of collections to the South Kensington Museum, and for the necessary increase of the staff. At the same time, I expect this increase will go on for a few years until the whole of the collections are removed. The other point arises out of an observation which I understand was made earlier in the discussion upon the grants to private local institutions. The right hon. Gentleman the Vice President of the Council will probably be pleased to hear what I am going to say. Two or three years ago power was given to the Museum to give duplicates to these local institutions. I understand that something has been said this evening to the effect that the Trustees of the Museum neither give duplicates nor lend any part of their collections to these institutions; but the Trustees are forbidden by Parliament from lending their collections, and are bound to preserve all collections in the Museum to all posterity. With regard to duplicates, when we transferred the Natural History Collections, we took care to see what duplicates could be given, and several have been sent to six or seven of the largest institutions in the country. The question of loans is one involving much greater considerations than can be discussed on a mere Vote. Those loans can only be made by Act of Parliament, and then you will have to consider whether you will entirely alter the British Museum as contrasted with the South Kensington Museum, the one being a repository where everything is to be found for the purposes of study; the other being a place more or less for the granting of loans. I venture to sug-

gest this for the consideration of the Committee.

MR. THOROLD ROGERS said, he fully recognized the force of the remarks which had been made by the right hon. Gentleman (Mr. Walpole); but it was only fair to say that the position taken up by the Trustees of the British Museum in regard to the lending of books and manuscripts was regarded by most foreigners as singularly churlish. They could get the loan of MSS. from Florence, Vienna, Berlin, and other places; and the University of Oxford, with which he was connected, was also willing to lend any rare books or MSS. it possessed. A rigid rule against lending prevailed, however, in the British Museum, and it was an exceedingly churlish rule. He hoped that the Trustees would be induced to make some arrangement by which important MSS. and documents might be lent to other Museums, where they would be copied and kept in perfect safety. He only made these remarks in consequence of what the right hon. Gentleman had said, and also in connection with the fact that a large amount of the treasures of the British Museum was rendered practically useless to the great mass of scholars throughout the world in consequence of the great expense attending a journey to London, that being the only place where there was a possibility of seeing them.

MR. MAGNIAC said, he wished to make an appeal to the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole), as one of the Trustees of the British Museum, to induce the Museum occasionally to part with some of its MSS., and also to extend the hours during which the building was allowed to remain open. He thought the adoption of such a policy would be of material advantage to the country, and conduce to promote the interests of the Museum itself. If the Trustees were of opinion that at present they had no power to do this, a short Act of Parliament might be brought in giving them the power, and he believed it would be hailed with great satisfaction. The library of the Museum was at present rich in the possession of MSS., and only wanted one other collection to be quite perfect. He believed that a good collection of Spanish MSS. was the only absentee, and he trusted

that steps would be taken to remedy the deficiency.

MR. STORY-MASKELYNE desired to say a word in regard to the transfer of the collections from the British Museum to South Kensington. The transfer commenced more than a year ago; and at the time when the last year's Vote was taken the collection of minerals with which he had been connected for a period of 32 years had been already removed to the South Kensington Museum without the slightest accident, and had been arranged in accordance with plans previously made for its exhibition and safe-keeping. He was sorry to think, however, that this was the only collection which had yet been completely transferred. He believed that the Geological Collection had been transferred, but that it had not yet been completely arranged. The Botanical Collection was nearly transferred; but in biology not a single specimen had as yet been removed. He thought it was a great pity, seeing that an important and costly Museum had been built at South Kensington for the reception of these collections, that so long a time should elapse before it was in a position to fulfil the purpose to which it had been dedicated. At present the space to be vacated at the British Museum was still incapable of being devoted to the collections remaining at that locality. It was very much to be regretted, and he wished to know whether any steps towards completing the transfer were about to be taken? He believed that the keeper of the Department had an idea that he must move all at once or not at all. It seemed to him (Mr. Story-Maskelyne), however, that it would very much help the transfer to move part, and that a good deal might be done in arranging such a part in the course of the next few months. He understood that most of the cases were now very nearly ready for the reception of the specimens; and he hoped to have some assurance from the right hon. Gentleman that the transfer was to be soon begun and be rapidly and properly carried on. He believed that there would be plenty of room in the Museum for General Pitt Rivers' Collection, if it was a collection of a kind desirable to be incorporated with those now at the British Museum—a point on which there seemed to be much question.

Mr. Magniac

SIR JOHN LUBBOCK said, the difficulty in completing the removal of the Natural History Collection arose from the fact that it had been found impossible to induce the late Government to give the money that was required for providing the necessary cases; and it was impossible to remove the various specimens of birds and animals until cases were fitted up for their reception. He thought that hon. Members would hardly wish that some of the specimens should be removed before the whole of them could be transferred. If they were removed bit by bit they were likely to sustain injury. As to the desirability of allowing the precious MSS. possessed by the British Museum to go abroad, although a good deal might be said in favour of it, still there were various considerations of great weight which had hitherto induced those who had looked into the matter to believe that it was better to keep them in England. At any rate, the Trustees could not fairly be blamed for not doing so, because at present they had no power. To lend the MSS. as suggested would be contrary to the law.

Vote agreed to.

MR. BIGGAR thought the right hon. Gentleman the Vice President of the Council would not object now to report Progress. There were several other Orders upon the Paper which it would be necessary to dispose of, and the hour was late—nearly 3 o'clock. He did not mean to argue that the next two or three Votes were likely to give rise to much discussion; but they would occupy no larger amount of time on the next Supply night than they would then. He would therefore, suggest to the right hon. Gentleman the propriety of reporting Progress.

MR. MUNDELLA said, he did not propose to take any of the succeeding Votes, except the Vote for Education in Scotland. He would take that Vote, which he believed would not require discussion, and he would then move to report Progress.

(4.) £228,435, to complete the sum for Public Education, Scotland.

MR. J. A. CAMPBELL wished to ask the right hon. Gentleman the Vice President of the Council how Scotland would be affected by the new arrangements in

regard to the Education Code? Nothing had been said in the speech of the right hon. Gentleman before the House went into Committee as to Scotland; and he was afraid that it was not intended to extend the advantages of the New Code to Scotland. He trusted that no length of time would be allowed to elapse before Scotland received a scheme somewhat similar to that which was now offered to England. He wished, further, to ask the right hon. Gentleman why it was that the Education Department had not yet put in force two of the provisions of the Education (Scotland) Amendment Act, 1878, relating to the examination of higher class schools—which were part of the Scotch educational system. One of these provisions related to the examination of higher class schools which were not under school boards—private schools—and gave power to the Department to appoint Examiners to such schools, provided that the managers of the schools offered suitable payment for the examination? There would thus be no expense to the Department in carrying out this provision of the Act. The second provision related to the examination of higher class schools under school boards. In that case, there would be some additional expense to the Education Department; but it would be very little compared with the great advantage which the cause of education would derive from having an examination of the higher class schools conducted by officers of the Education Department, and having all the schools examined on one uniform system. If this were done, it would give the school boards a much higher sense of the importance of the schools of this kind under their charge. He would, therefore, ask if the Education Department contemplated putting in operation these two provisions of the Education (Scotland) Amendment Act of 1878?

MR. MUNDELLA said, the scheme contained in the New Code was intended to apply to England and Wales only; but if the Scotch people approved of it there would be no difficulty in extending it to Scotland. The necessity, however, for a New Code was not so urgent in Scotland as in England, because many of the provisions contained in the new arrangement were already adopted in Scotland. The Scotch Code was very much more liberal than the English

Code; but if the New Code was found to work satisfactorily, he should be perfectly ready to make the two systems thoroughly uniform. As to the other question of the hon. Member in regard to the provisions of the Education (Scotland) Amendment Act of 1878, the hon. Gentleman would probably be aware that some doubts had been expressed as to the provisions in regard to the examination of higher class schools and the power of inspection possessed by the Department under the Act. He should be happy to take the question into consideration.

Vote agreed to.

Resolutions to be reported *To-morrow*.
Committee to sit again *To-morrow*.

REGULATION OF THE FORCES BILL.

(*Mr. Secretary Childers, The Judge Advocate General, Mr. Campbell-Bannerman.*)

[BILL 195.] CONSIDERATION.

Order for Consideration, as amended, read.

MR. CHILDERS: On Thursday I appealed to the hon. Member for Cavan (Mr. Biggar) to take off his objection to this Bill. He said he would consult the hon. Member for the City of Cork (Mr. Parnell) on the subject. The blocking Notice, however, has not been removed. I would repeat my appeal. It is necessary that the Bill should pass, because unless it is accepted the soldier is likely to suffer very materially.

MR. BIGGAR said, that he must have forgotten on Friday to speak to his hon. Friend the Member for the City of Cork, and on Saturday he (Mr. Biggar) was not in the House. To-day his hon. Friend was not present; but he hoped to-morrow to be able to ask him about it. He should be prepared to take off the Notice; but he had given a positive promise to the hon. Member for the City of Cork that he would not remove it until he (Mr. Parnell) had had an opportunity of moving an Amendment.

MR. CHILDERS remarked, that on Friday he saw both hon. Members in the House, and was somewhat surprised that the Notice had not been removed. He trusted, however, that the hon. Member for Cavan would take an opportunity of conferring with his hon. Friend.

Consideration, as amended, *deferred till To-morrow*.

PATRIOTIC FUND BILL.—[*Lords.*](*Mr. Secretary Childers.*)

[BILL 240.] SECOND READING.

Order for Second Reading read.

MR. CHILDERS, in moving that the Bill be now read a second time, said, the object of the Bill was to enable the Patriotic Fund Commissioners to give up one of their schools for which they had not sufficient money, and to give the Government more control over the expenditure of the fund. He did not think any question would arise as to the Bill; but in Committee he would give all necessary information.

Motion made, and Question proposed, "That the Bill be now read a second time,"—(*Mr. Childers.*)

MR. ARTHUR O'CONNOR said, that perhaps the right hon. Gentleman would inform the House whether, out of the funds they were about to save, they intended to endow any institution for Catholic orphans?

MR. CHILDERS said, the school which had been kept on by the Patriotic Fund Commissioners was a boys' school at Wandsworth.

Motion agreed to.

Bill read a second time, and committed for To-morrow.

NATIONAL DEBT BILL.—[BILL 236.]

(*Mr. Chancellor of the Exchequer, Lord Frederick Cavendish.*)

COMMITTEE.

Order for Committee read.

MR. ARTHUR O'CONNOR said, that he should like to know the nature of the Bill, as some hon. Members, particularly an hon. Member who generally sat at the end of that Bench, were very much interested in it?

LORD FREDERICK CAVENDISH in reply, said, that the Bill was merely a formal measure to carry out a promise made by the Chancellor of the Exchequer.

MR. ARTHUR O'CONNOR said, he would not raise any opposition to the progress of the Bill.

Bill considered in Committee, and reported; to be printed, as amended [Bill 243]; re-committed for Thursday.

SUPPLY.—REPORT.

Resolutions [6th August] reported.

Resolutions 1 to 18 agreed to.

(19.) "That a sum, not exceeding £19,883, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Incidental Expenses of Temporary Commissions and Committees, including Special Inquiries."

MR. T. P. O'CONNOR said, that he should like to ask the noble Lord (Lord Frederick Cavendish) to postpone it. He made this appeal because he intended to bring forward a Motion which, unfortunately, he had not yet put on the Paper. He did not, however, think he should be out of Order in reading it to the House, and the House would then see why he made the appeal. The terms of the Motion were as follows:—

"That in view of the increasing importation of foreign and Colonial food-stuffs, and the consequent decrease in the value of agricultural property in Great Britain and Ireland, it is expedient to appoint a Committee of Experts to inquire into and report upon the probable effects of foreign competition on British agriculture, and the rentals of English and Irish land."

He was in this position. This was a Motion on going into Committee of Supply; and, looking at the state of Public Business at present, it did not seem likely that he should ever have an opportunity to move this Motion. If he did move it, he would undertake not to occupy the House more than a couple of hours in its discussion. As far as he, personally, was concerned, he should not occupy more than half-an-hour in the statement he should have to make; and, no doubt, it would be very easy for the Government to answer him. If he had not an opportunity of moving the Resolution he believed he could raise the question on this Vote, for in this Vote the Agricultural Commissioners were included. The noble Lord would not lose anything by giving him the opportunity he sought, because he (Lord Frederick Cavendish) was sure of getting the money he required.

LORD FREDERICK CAVENDISH said, he saw no possibility of being able at any other time to bring on the Report of Supply earlier than that. Therefore, it would be useless to postpone the Vote. If the hon. Member wished to bring forward his Motion and make a speech, why did he not do so at once?

MR. T. P. O'CONNOR said, it would take a week to prepare the speech.

Resolution agreed to.

Remaining Resolutions agreed to.

WAYS AND MEANS.

Resolved, That, towards making good the Supply granted to Her Majesty for the Service of the year ending on the 31st day of March 1882, the sum of £21,695,712, be granted out of the Consolidated Fund of the United Kingdom.

Resolution to be reported To-morrow ;

Committee to sit again upon Wednesday.

EAST INDIAN RAILWAY (REDEMPTION OF ANNUITIES) BILL.

Resolution [August 5] reported, and agreed to :—Bill ordered to be brought in by The Marquess of HARTINGTON and Lord FREDERICK CAVENDISH.

Bill presented, and read the first time. [Bill 244.]

EXPIRING LAWS CONTINUANCE BILL.

On Motion of Lord FREDERICK CAVENDISH, Bill to continue various Expiring Laws, *ordered to be brought in by Lord FREDERICK CAVENDISH and Mr. ATTORNEY GENERAL.*

Bill presented, and read the first time. [Bill 245.]

House adjourned at a quarter after Three o'clock.

HOUSE OF LORDS,

Tuesday, 9th August, 1881.

MINUTES.]—PUBLIC BILLS—*Second Reading—*

Ecclesiastical Courts Regulation (201) ; Metropolitan Board of Works (Money) (186) ; Superannuation (Post Office and Works) (203) ; Central Criminal Court (Prisons)* (162) ; Leases for Schools (Ireland) (188) ; Corrupt Practices (Suspension of Elections) (208).*

Committee — Report — Public Works Loans (196).*

Third Reading—Royal University of Ireland (194), and passed.*

RIVERS CONSERVANCY AND FLOODS PREVENTION BILL.—QUESTION.

THE EARL OF SANDWICH asked Her Majesty's Government, Whether the Rivers Conservancy and Floods Prevention Bill would be brought forward in this House again next Session? He was very sorry to see that, after it had passed through their Lordships' House,

and been read a second time in the other House, it had been withdrawn.

EARL SPENCER, in reply, said, that this Bill had been given up with extreme regret and under the greatest pressure. He could assure his noble Friend that the Government would consider the matter, and, if possible, re-introduce the Bill early next Session.

ECCLESIASTICAL COURTS REGULATION BILL.—(No. 201.)

(The Earl Beauchamp.)

SECOND READING.

Order of the Day for the Second Reading read.

EARL BEAUCHAMP, in moving that the Bill be read a second time, said: My Lords, I shall endeavour, as far as possible, to abstain from entering into the merits of what is known as the Ritualistic Question; but I think, that in order to make my Bill clear, it is necessary that I should explain to your Lordships, in as few words as I can, the circumstances attending the passing of Thorogood's Act, in the year 1840, when a Bill was brought into Parliament by Lord John Russell and Lord Morpeth which dealt with the case of Mr. Thorogood. He was then a prisoner in Chelmsford Gaol for not appearing to a citation in an Ecclesiastical Court to show cause why he refused to pay sums of money assessed upon him for church rate. Your Lordships will observe that Mr. Thorogood was not in prison for refusing to pay church rate. I do not complain of it; but he had adopted a course which put that out of the question, and he was in prison solely for refusing to appear to a citation in an Ecclesiastical Court, as is the case with Mr. Green. He had been in prison for a period of 18 months, after a good deal of litigation; and on the 30th July, 1840, Lord John Russell and Lord Morpeth brought in the Bill which afterwards passed into law. Mr. Thorogood was a Quaker, who had conscientious objections to the payment of church rates, and his imprisonment under the circumstances I have mentioned had given rise to a good deal of scandal and of hostile feeling amongst various parties. It therefore appeared to the Government of the day undesirable that he should any longer languish in prison, and the Act was passed which is known by the name of Thorogood's Act,

although I need not say the name does not appear within the four corners of the Act. It empowered the Privy Council, or the Ecclesiastical Judge in whose Court the case was tried, to order the discharge of persons in custody under a writ *de contumace capiendo*; but there was a proviso that no such order should be made by the Privy Council or the Ecclesiastical Judge without the consent of the other party or parties to the suit, and another proviso—

“That in cases of subtraction of church rates for an amount not exceeding £5, where the party in contempt has suffered imprisonment for six months and upwards, the consent of the other parties to the suit shall not be necessary to enable the Judge to discharge such party so soon as the costs lawfully incurred by reason of the custody and contempt of such party shall have been discharged, and the sum for which he may have been cited into the Ecclesiastical Court shall have been paid into the registry of the said Court, there to abide the result of the suit, and the party so discharged shall be released from all further observance of justice in the said suit.”

The Bill was very carefully considered both in the House of Lords and the House of Commons, and underwent various amendments. The House of Commons proposed that the limit of imprisonment should be 12 months; but the House of Lords diminished the term of imprisonment from 12 months to six. Lord John Russell, in the debate on the Bill, said that he believed things were in such a state that if they were to get Mr. Thorogood discharged from prison a Bill must be introduced for the purpose, and in pursuance of that belief the Bill was introduced. A debate occurred, in which many eminent men took part, and the Bill was the result of careful consideration, and was accepted as a compromise in a matter which had given rise to considerable feeling. In the case of Mr. Thorogood, he objecting from conscientious reasons to the payment of the money, it was found by other parties, and Dr. Lushington, of his own motion, released Mr. Thorogood from prison. The Act is by no means obsolete, for in the course of the last few years it was used in the case of Mr. Tooth, apprehended under a writ *de contumace capiendo*, but discharged from custody by the Judge of the Ecclesiastical Court, with the consent of the parties to the suit. At the present moment, unless the consent of the other parties to the suit is given, the person in prison cannot be

discharged. Now, my Lords, a case has arisen to which I must refer—namely, the case of the Rev. Sidney Green, now in prison under a similar writ ever since the 19th March last. In the year 1840, as I have said, Parliament gave relief by passing a measure which had the effect of releasing from prison a Quaker who entertained conscientious objections to submitting to the jurisdiction of the Ecclesiastical Courts. I now ask your Lordships to read a Bill a second time which will meet the case of the Rev. Sidney Green, in prison for the like cause, and enable him to be released from prison at the expiration of six months. There are various ways of looking at the case of Mr. Green. It may be looked at technically as regards the contempt, and it might be looked at it in its moral aspects as bearing on the whole Ritual Question, and more particularly as regards the wearing of vestments during the performance of Divine Service. As regards the moral aspect, as bearing on the whole Ritual Question, I wish to dismiss it as briefly as possible; but I may very fairly ask your Lordships why this particular congregation, consisting, as it does, of poor persons, should be singled out for attack by the Church Association? Mr. Green is a person who has been labouring for many years of his life amongst the poor and neglected; he has brought his parish into a very high state of organization; his schools are excellent, and he enjoys the esteem and regard of the whole parish. There are certain persons whom he may have offended; but I ask your Lordships why this congregation should be selected for disturbance, and why Mr. Green, whose character is, in the highest degree, all that a clergyman's should be, should be subjected to this harassing conduct on the part of the prosecutors, the Church Association, while rich congregations are left completely undisturbed, and persons who have powerful friends are allowed to pursue, without check or hindrance, precisely the same practices as Mr. Green has been pursuing? I may go a step further, and say that the Bishop of Manchester himself, who allowed the case against Mr. Green to go, does not profess to observe the law for the non-observance of which Mr. Green is now in prison. The Bishop of Manchester, he being asked how to reconcile this

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with his own conscience, said that when he was invited by his archiepiscopal superior to wear the legal vestments—which he did not then wear—it would be time enough for him to consider what course he should pursue. I do not think, under these circumstances, any good case has been made out why Mr. Green should be selected for prosecution, when the Bishop of Manchester himself, his ecclesiastical superior, does not comply with the law under which Mr. Green is now languishing in prison. There are legal questions connected with the case with which I need not trouble your Lordships; but there is one very serious question which I will shortly advert to. The whole contention turns upon whether certain advertisements, published in the reign of Queen Elizabeth, are, or are not, in force in the Province of York. The Privy Council has held that they are in force in the Province of Canterbury, although there is some doubt about how far they are in force there; but I believe I am quite right in saying that there is not the faintest shadow of reason for supposing that the advertisements in question ever ran in the Province of York. I only mention this to your Lordships to show that the matter is one of considerable doubt and complexity. As regards the moral aspect of the case, therefore, Mr. Green may contend that the matter for which he is in prison is one of considerable doubt; but I pass this question by. Mr. Green is in prison, technically, for a contempt of Court, and for nothing else, as was also Mr. Thorogood; and I wish to draw your Lordships' consideration to reasons why the law under which he is now in prison should be amended so as to enable him to be released at the end of six months. He is in prison for contempt of Court, and I am forced to ask your Lordships whether the Court which he has contemned is one which receives such universal respect as that a man is to be thrown in prison because of his not obeying its commands? My Lords, it is enough for me to say that so much difficulty exists in the minds of men on the subject of this Court that in the early part of this Session your Lordships were moved to vote an Address to the Crown, praying for a Royal Commission to inquire into these Ecclesiastical Courts. That Address was moved by the Lord Archbishop of Canterbury, who, I pre-

sume, had sufficient grounds for making that Motion. Certainly it was agreed to by your Lordships; and I think, under those circumstances, it may fairly be contended that the Court Mr. Green has contemned is not entitled to that unquestioning obedience which would entitle its every order to be received with undoubting submission. I may at least say that the Court itself has given so much dissatisfaction that it may be said to be on its trial. A noble Earl opposite shakes his head; but I say if there was no dissatisfaction why was the Inquiry moved for? Persons may shut their eyes to the facts of the case, but nobody can deny that the Court has given great dissatisfaction, and that the subject requires the investigation which it is now receiving at the hands of the Royal Commission. My Lords, it is said that Mr. Green has only to submit himself to the judgment of the Court to obtain his release. I know that that is the case; but I will tell your Lordships why he cannot submit himself to the Court. He conscientiously believes that it would be wrong for him to do so. But even assuming that that belief of Mr. Green is ill-founded, I ask, has not the punishment which he has suffered been sufficient for the wrong which he has committed? That is the question which we have to ask ourselves. Supposing the Court was perfect in its constitution; supposing that all its dicta had been such as to command the unquestioning assent of the minds of men, I still ask whether the imprisonment which Mr. Green has now suffered is not a sufficient punishment for his wrong-doing? Punishment should bear some proportion to the offence committed, and if Mr. Green should remain in prison for three years, or all his life, a punishment would be inflicted revolting to the consciences of men. It is the indefiniteness of the punishment which makes it so severe and cruel. If we could measure it we might estimate its proportion to the offence, but we cannot. We do not know how long this imprisonment may continue, and I do ask your Lordships seriously to consider whether a punishment of six months is not an imprisonment amply sufficient for the offence which Mr. Green has committed. If he had been subjected to the sentence of the Ecclesiastical Court for any of the gravest offences

which a man could commit; if he had been proceeded against and excommunicated for incest, he could not be imprisoned for a longer period than six months, because the *writ de excommunicato capiendo* which runs in consequence of such proceedings in the Ecclesiastical Court can imprison a man for no longer a period than six months—and, therefore, if Mr. Green had committed the most aggravated offence to which I have referred, his imprisonment could not be for a longer period than six months. I need not cite the case of the Ecclesiastical Courts, but I will take the case of offences outside the jurisdiction of the Ecclesiastical Courts. It is within my own knowledge that in a deliberative Assembly of high antiquity, and possessed of august privileges, when the privileges of that Assembly were set at naught and its authority contemned, a person bound to obey its orders was imprisoned; but how long was that person imprisoned? One night's imprisonment was held to have purged his offence, and he was released without any promise exacted with regard to the future. My Lords, if an officer in a railway train criminally assaults a woman who may be in the same carriage with him, he is committed to prison for one year, and at the end of that period he is released. I ask your Lordships whether an indefinite imprisonment hanging over the head of an exemplary clergyman, because he conscientiously objects to the jurisdiction of a Court, is not a punishment revolting to the consciences of men? Such a state of things would never have been deliberately adopted, but must have been brought about in consequence of some complication of ecclesiastical law, which complication I now ask your Lordships to disentangle. But, my Lords, it may be said—and this is an argument which I dare say we shall hear advanced by those who, I think, might show more sympathy with Mr. Green—that he should not be released without a guarantee for the future against further lawlessness. It must be remembered that Mr. Green is not in prison for the offence of wearing vestments—he is in prison for contempt of Court; and I do not myself understand how the arguments with regard to the practice complained of can be urged when he is in prison, not for the performance of those practices, but simply

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for having contemned the jurisdiction of the Court. It is obvious that if inability to accept an interpretation of an historical fact as to the use of vestments is lawlessness, it is lawlessness of a very different character to that which to the minds and consciences of men commends itself as a fit subject for such punishment. The Judicial Committee of the Privy Council has given divers judgments on this point as to the wearing of vestments. The Judicial Committee, in the case of "*Westerton v. Liddell*," decided that the vestments worn by Mr. Green were legal. In the case of "*Clifton v. Ridsdale*," which is now thought to be law, what did the Judicial Committee of the Privy Council say? If the only law as to the vestments is to be found in the Ornaments Rubric, clearly the vestments of Edward VI. fall within the law. That is the judgment of the Privy Council in the very case under which Mr. Green is imprisoned. I think your Lordships might view with indulgence the conduct of a gentleman who, conscientiously believing that that which he saw was black and not white, declined to commit himself to the statement contrary to his plain belief. As regards the view taken by some that Mr. Green should promise to conform in future to the decisions of the Judicial Committee of the Privy Council, I say that is not the point before your Lordships. The point before your Lordships is a very narrow one—namely, whether the punishment which Mr. Green has suffered, and is suffering, is not sufficient for the technical offence of contempt of Court which he has committed? I cannot understand, if he be a criminal, why he should be treated in an exceptional manner. Thieves, burglars, and convicts of all descriptions, when they have undergone their punishment, are released from prison without any engagement being asked for the future. They are set free, and if they offend against the law again, they are subject to the penalties of the law and again imprisoned. What did Lord John Russell say in the debate on Thorogood's Act as regards this part of the subject? He said that the vindication of the law seemed to him to be often better maintained by taking no notice of such offenders, just as Sir Robert Walpole had said on one occasion—"The hon. Gentleman wishes to be committed to the Tower, but I shall

do no such thing." I contend that Mr. Green has suffered enough for the offence he has committed. Mr. Green's parishioners were naturally asking why they were deprived of his ministrations, thinking that a man who had undergone sufficient imprisonment ought to be released. I dare say we shall hear something of our old friend the aggrieved parishioner, and we shall, no doubt, be told that the parishioners of Miles Platting have a right to the performance of Divine Service in accordance with the law. I am bound to say, with regard to that, that I do not think very much consideration is due to the bogus parishioners who were put forward to enforce the law at Miles Platting. I call them bogus parishioners for this simple reason, that in the bill of costs which Mr. Green is called upon to pay there is an item of no little singularity, which I do not think will commend itself to many of your Lordships' sense of justice. There is a charge made by the solicitors for the prosecution—and Mr. Green having been condemned in costs is bound to pay it—for the correction of a mistake, it having been ascertained that one of the proposed complainants had not completed the residence in the parish required by law. Seeing that the solicitors for the prosecutors are sending in this bill to Mr. Green, and asking him to pay for a mistake which had been made in consequence of one of the complainants not having resided in the parish during the time required by law, I think I am justified in saying that the parishioners who have brought this case forward are only nominal prosecutors. The real prosecutors being, as I believe, the Church Association—which I say without fear of contradiction—and the nominal prosecutors being merely bogus parishioners, I do not think they are entitled to much consideration at your Lordships' hands. These are the very parishioners who were summoned to attend the Bishop of Manchester, and declined the invitation; but, notwithstanding, the Bishop of Manchester thought it his duty to exercise his discretion, and allow the prosecution to proceed. The Services which are being carried on in Miles Platting church are neither more nor less than exactly the same as they were before Mr. Green was imprisoned. There is no doubt whatever that the gentleman officiating holds the same views as Mr. Green, and

that the practices complained of will be continued until a prosecution is instituted, although after what has taken place it is very improbable that another prosecution will be instituted in that parish. I venture to doubt whether the Bishop of Manchester would allow another prosecution to be instituted, which has been so discredibly conducted. The proceedings have been stigmatized by the noble and learned Lord on the Woolsack as a scandal. I shall not apologize for the use of that expression. They have been stigmatized as a scandal, and I am justified in making the observations I have made with regard to the prosecutors in this case. But, my Lords, the Public Worship Regulation Act was enacted, we were told, to protect the rights of parishioners. Let us consider for one moment the state of the parish in which Mr. Green has so long ministered, and the view taken of his conduct by his own parishioners. The population of the parish is about 4,500; there are 370 children in the day schools; the communicants, excluding those on week days and saints' days, on an average of the 12 months, are 45 a-week. A Petition has been presented for the release of Mr. Green, signed by 940 householders out of a total number of 1,140, and I think, therefore, I may fairly assume that the ministrations of Mr. Green are such as to commend themselves to the majority of the parishioners. As far, therefore, as the aggrieved parishioner is concerned, the case has entirely failed. There is not a shadow of pretence for saying that any real parishioner has been aggrieved, for, in order to make up the number required for this miserable prosecution, a gentleman is brought in who, at the time of the institution of the proceedings, had not completed the term of residence required by law. What is the treatment to which Mr. Green, a conscientious clergyman, who has spent 15 years in labouring amongst the poor and neglected of his parish—what is the shameful treatment to which he has been subjected? A letter was addressed by Mr. Green to the noble and learned Lord on the Woolsack, in which he described the treatment to which he had been subjected by the bailiffs who were put in possession of his rectory by the Church Association. This letter was written some time ago; but the treatment he

complaints of has been renewed subsequently, and his goods sold. He says that the bailiffs were put into his house on the 24th January, and continued there without intermission, day and night, until March 19, when he was put into prison. He says it was impossible for his wife to remain under such circumstances, and she left home at the time he was obliged to do so, and took refuge in a neighbouring cottage. On one occasion, Mrs. Green, having visited the house to get some clothes for her baby, was so frightened by an intoxicated bailiff that she had never been well since. That is the statement of the treatment to which Mr. Green has been subjected. I hear a noble Lord remark that I have been already speaking for half-an-hour; but I can only say that half-an-hour is not too much time for your Lordships to give to such a subject, and I must protest against these interruptions. If it is necessary, I will go on speaking for another half-an-hour on the discreditable way in which Mr. Green has been treated. I decline to sit down. The real question is this—Is the House, or is it not, prepared to extend that measure of relief to Mr. Green which, in the year 1840, it thought not improper to extend to one of the people called “Quakers?” I do not know what the antecedents of Mr. Thorogood were; I do not know whether he had passed his life amongst the poor and afflicted; I do not know whether, at the age of 40, or whatever it may be, he was torn away from his wife and family, and subjected to the treatment which Mr. Green has described; but I do know this, that Parliament at that time, in its wisdom, thought it was a fit case to be considered, and did not grudge the time and pains necessary to inquire into the case; and that at the end of the Session—for the Bill was brought into the House of Commons on the 30th July, and received the Royal Assent on the 10th August. My Lords, I do not know how the proceedings were conducted in Thorogood’s case, nor do I know whether the Judge acted as legal adviser to the prosecutors—though I should suppose Dr. Lushington to be incapable of such conduct—but blunders have been committed by the solicitor and counsel for the prosecutors in this case, for which Mr. Green has to pay. They are of a remarkable kind. The bill of costs, which is now a public

document, shows that the most extraordinary proceedings have been taken in this case, which will not bear public investigation. I have referred to the case of Mr. Green as briefly as I could; but it is a case, although not on all fours with the case of Mr. Thorogood, because if it had been a case on all fours with the case of Mr. Thorogood, there would have been no necessity to trouble your Lordships on the present occasion—I do say that the imprisonment of Mr. Thorogood under the writ *de contumace capiendo*, was considered a grievous scandal and offence. Whether it was that the consciences of men in high places were touched, or the fears of friends of the Established Church were moved, I do not know; but a feeling of indignation was excited by his imprisonment, and a Bill was introduced and passed into law. Now I come to the Bill which I have laid on your Lordships’ Table. The provisions are very simple. The second proviso in Thorogood’s Act is repealed which had reference to the payment of church rates. In the 2nd clause, it is proposed to enact that after six months a person in custody under a writ *de contumace capiendo* shall be discharged out of custody by the sheriff, gaoler, or other officer in whose custody he may be, without any order. Clause 3 enacts—

“That such party or person shall, notwithstanding his discharge, remain liable for the costs lawfully incurred by reason of his custody and contempt.”

Clause 4 provides that the person—

“Shall not, by reason of his discharge in manner aforesaid, be released from further observance of justice in the suit in which he has been pronounced in contempt.”

Therefore, if he offends against the law in future, a remedy is provided, and he can again be subjected to the same ecclesiastical penalties as he has been subjected to in the past. Then Clause 5 provides—

“That it shall be lawful for the Judicial Committee of Her Majesty’s Most Honourable Privy Council, if the party be in custody in consequence of any proceedings before the said Judicial Committee, or for the Judge of the Ecclesiastical Court, or if the party be in custody in consequence of any proceedings before such Judge, to declare by order made in open Court before the said period of six months has elapsed, that, for reasons to be specified on the face of such order, the party so in custody shall not be entitled to the benefits of this Act for

the further space of three months, and thereupon the party shall not be entitled to the benefits of this Act until the expiration of nine months."

There may be circumstances, my Lords, in which it may be desirable that a provision of that sort should be put into force. I do not attach much importance to it myself; but still there may be circumstances which may make it desirable, and, perhaps, that provision may make your Lordships more ready to pass the Bill. The 2nd clause, my Lords, is really the operative part of the Act. That provides that at the expiration of six months the person committed to gaol shall be discharged from custody. Now, my Lords, that is the point where this Bill differs from Thorogood's Act, and the difference is this—that it provides that the prisoner shall be discharged at the expiration of six months without the concurrence of the other parties to the suit. In the year 1813, an Act of Parliament was passed dealing with the writ *de excommunicato capiendo* in a similar manner to that in which the writ *de contumacia capiendo* was dealt with by Thorogood's Act. That Act, passed in the year 1813, was introduced by Sir William Scott, and provided that no person who should be pronounced or declared excommunicate—

"Shall incur any civil penalty or incapacity whatever in consequence of such excommunication, save such imprisonment, not exceeding six months, as the Court pronouncing or declaring such person excommunicate shall direct."

I ask your Lordships to extend the provisions of Thorogood's Act in the manner indicated by the Act of 1813, and to say that the imprisonment under a writ *de contumacia capiendo* shall not last for a longer period than the imprisonment under a writ *de excommunicato capiendo*. My Lords, at the commencement of Reigns it used to be the practice to pass Acts of Grace, which would exactly have met a case of this kind. I trust we are a long way from the commencement of another Reign—and I believe the practice has been discontinued—but I am quite sure, if the occasion should arise for it, no more fitting Act of Grace could inaugurate a Reign than the release of a person like Mr. Green, who is imprisoned under the circumstances I have described. In the present Session of Parliament attempts have been made to relieve persons who entertain con-

scientious objections to vaccination from the penalties which they may have incurred. I say in the same way that the law as it now stands in reference to cases such as that of Mr. Green requires a similar amendment, and I trust that your Lordships will pass this Bill as a messenger of peace. I am quite sure that unless something is done to relieve the grievous scandal of an exemplary clergyman, such as Mr. Green is, lying in prison for an indefinite period under an order of contempt of Court, his goods dispersed, his home broken up, a sense of dire injustice will rankle in the minds of men; and so far from the views of Mr. Green being in any way put down or repressed, the infallible result will be that they will gain greater currency among people who see one so deservedly beloved by those who know him preferring imprisonment and wrong rather than give up his conscientious objections to an invasion of the spiritual authority of the Church. I hope your Lordships will agree to the second reading of this Bill.

Moved, "That the Bill be now read 2^d."
—(*The Earl Beauchamp*.)

THE ARCHBISHOP OF CANTERBURY:
My Lords, I am most anxious—as anxious as the noble Earl can possibly be—that Mr. Green should be released from imprisonment. Indeed, as a step towards that result, unaware of the noble Earl's intention, I gave Notice of Questions, which will be in your Lordships' hands to-morrow, to be addressed to the Lord Chancellor on this subject. I would state that these Questions are based upon my deep conviction that this gentleman has suffered quite a sufficient penalty for the offence he has committed, and that it will be a very great misfortune if a conscientious man, as we have every reason to believe Mr. Green to be, should be imprisoned, I may almost say, for life, on account of his conscientious convictions. Of the Questions that I proposed to ask the Lord Chancellor, one was whether, considering all the circumstances of the case, he did not think Mr. Green's punishment excessive? I also wished to know what was the process which necessitated the sale of his goods by public auction? And further—and this is the gist of the whole matter—I wished to know whether there is

any limit to the time for which a man may be imprisoned for contempt of the authority of the Court? I quite agree with the noble Earl that it is not desirable that any man should be incarcerated for an unreasonable length of time for such an offence as Mr. Green has committed. I wish to call your Lordships' attention to the distinction which I think ought to be drawn in all such cases, and which obviously was drawn in the case of Mr. Thorogood in 1840. When a man, however unwisely, is convinced in his conscience that he cannot do certain things, I wish your Lordships to consider whether it does not verge on persecution to insist that he shall come to a Court and declare that to be right which, unfortunately, in his conscience he thinks wrong? That was exactly the case with Mr. Thorogood in 1840. He owed, I believe, 5s. 6d. for church rates, and so strong were his conscientious convictions against the payment of these church rates or the acknowledgment of any authority which implied that he ought to pay them, that he was content to languish in prison for 16 months. The country was, of course, scandalized at a respectable man being imprisoned in these circumstances, and, as it could never have been the intention of the law that the man should remain in prison for life, therefore, by the universal consent of both Houses of Parliament, a measure was passed in order to allow Mr. Thorogood to come out of prison. Lord John Russell, in the discussion on that subject, having been told that the prosecutors were not willing to be consenting parties to the liberation of Mr. Thorogood, introduced a special clause saying that after a certain time the consent of the prosecutors was not to be required for the liberation of these gentlemen. That clause stands part of the Act, and I do not see why—for I entirely agree with the noble Earl on that point—what was good for a Quaker who conscientiously refused to pay church rates, should not be good in a case of this kind. Mr. Green has already received, at least, as severe a punishment as his offence deserves; but if nothing except his publicly declaring that he is willing to obey the law will effect his release, he may have to remain in prison for an indefinite time. In order to meet the case of Mr. Thorogood, Lord John Rus-

sell moved that after a certain time the man should be released without the consent of the prosecutors; and if the object of the present Bill is to apply a similar principle to the case of Mr. Green, it shall certainly have my cordial support. I am sorry the noble Earl should have deemed it necessary to go into other matters, and to make remarks which are hardly calculated to conciliate those who are willing to agree with the general tenour of what he said as to the liberation of Mr. Green. The Bishop of Manchester was, no doubt, actuated by the highest sense of duty, and performed that duty in a way which would be found, if examined, to be by no means unwise or harsh. I believe, also, that it is totally beside the question to inquire into the costs in this case, and I am sorry that the noble Lord thought it necessary to refer to them in his speech. The difficulty which remains, and which we shall have to consider very carefully when the Bill goes into Committee, is this—How a gentleman with these conscientious convictions is to be kept out of prison after he has once been released? How is he to be prevented from getting into prison again? With respect to Mr. Thorogood, the moment he was set at liberty there was an end to the case; but great difficulty would arise if Mr. Green were so unwise as to set at naught the decisions of the Court so soon as he is released from the imprisonment which now prevents him from violating them. There is a further point to which I wish to direct attention. A moral obligation which did not exist before is now imposed on this gentleman to obey the law. He has himself appealed from the Court below to your Lordships' House in its judicial capacity; and in its judicial capacity this highest Court of Appeal has pronounced that the law is against him. Now, I do not see how a man can, with any degree of fairness or propriety, disregard the decision of the Court to which he has himself appealed. Mr. Green would exhibit a spectacle that would be most unseemly, if he endeavoured by violence to return to those ministrations which have been declared to be contrary to law. So far as the gentleman himself and his influence in his parish are concerned, I have no opportunity of forming an opinion, except from the statements made in the public papers. I have no doubt, however, they have been truly described

by the noble Earl, and I shall be glad if the noble Earl or the noble and learned Lord on the Woolsack can advise any process by which, saving the majesty of the law, and the duty of the clergy to obey the law, Mr. Green may be liberated. I trust the noble Earl's Bill will be read a second time, it being understood, however, that nobody is pledged to its details, which may possibly require amendment in Committee.

THE LORD CHANCELLOR: My Lords, I cannot help thinking that your Lordships generally will agree with the sentiments expressed by the most rev. Prelate towards the close of his speech—namely, that saving the majesty of the law and the duty of the clergy to obey the law, it would be desirable to devise the means of releasing this gentleman from prison; and I am sure it would be very agreeable to your Lordships to do so. Your Lordships will require to be satisfied on the first point, and will not regard that as a condition which can be set aside even if the consequence of insisting upon it should be to create a difficulty as to this particular case. Nothing is of more importance than to maintain the authority of the law. It is the equal obligation of all classes of Her Majesty's subjects to obey the law; and nothing can be more necessary than steadily to resist the idea that individuals are to make themselves judges of the law and to set themselves above it, whether they be clergy or laity who say that they will obey no decision and no interpretation of the law except such as commend themselves to their own minds. In an Established Church, at all events, it is fundamentally necessary that those who by the law enjoy temporal emoluments and temporal rights should abide by the law with respect to the conditions on which those rights are to be enjoyed. When principles so vital as these are at stake, no man is at liberty to be governed by his own party spirit or caprice. With regard to this particular case, after what has fallen from the noble Earl, my observations shall be as few as are consistent with putting your Lordships in possession of the facts of the case. I fully believe Mr. Green is a gentleman who deserves the praise which has been bestowed upon him for zeal and for much good work which he has done. It is a matter of extreme regret that such a man should do anything else which

can tend to bring him into conflict with the law. It is a mistake, however, to represent his case as if it turned—though that would make no difference in principle—upon resistance to some decision of the Ecclesiastical Courts upon a single point like that of vestments. I hold in my hands a book which was lately before your Lordships' House in your judicial capacity upon that appeal to which the most rev. Prelate has referred, and I find there charged against him no fewer than 11 instances of disobedience to the law as declared by the judicial tribunals, some relating to ornaments of the Church alleged to have been set up in his church by this gentleman, contrary to what has been declared to be legal; some relating to various ceremonies introduced by him, particularly in the performance of the Service for the Holy Communion. These are 11 in number, some of which may, perhaps, be variations of charges substantially the same; but vestments are the subject of only one of them. Taken as a whole, together with the fact that Mr. Green did not think fit to appear in Court and defend himself against any of them, they appear plainly to show that this gentleman has persuaded himself that no obedience is due from him in these ceremonial matters to any decision of any of the Ecclesiastical Courts. I really do not like even for a moment to take notice of some exceedingly irrelevant and, I venture to think, injudicious observations of the noble Earl, in which he glanced at arguments which had been used as to the soundness of the reasons upon which the decisions of the Privy Council rested with regard to the particular point of vestments. If those decisions could be shown to be open to all the criticisms bestowed upon them by persons to whom the law has not committed the office of judgment, there would remain 10 other matters which are included in the charge in this case. That shows how unwise such a course of argument is. The noble Earl made another most extraordinary suggestion, and that was because the most rev. Prelate had moved for, and the Crown had granted, a Royal Commission with reference to the Ecclesiastical Courts, some slur was supposed to be cast upon those Courts and the Judges who preside over them pending the inquiry. We have had a Judicature Commission, on which many important

charges in the temporal Judicature have been founded. But nobody ever thought of suggesting any such inference from the appointment of that Commission; during its inquiry it was not suggested that the Courts were not doing their duty, or that they could with propriety be disobeyed. It would have been better that on this occasion no argument of that kind should have been used. I wish now to refer to the actual state of the law, which, in my opinion, is not satisfactory. The Act of 1813 was passed for objects which were in some respects desirable—to get rid of excommunication merely to compel obedience to the orders of the Ecclesiastical Courts. That Act substituted imprisonment for excommunication as a means of enforcing the orders of a Court, and it did not provide for release, except on the condition of obedience. I am not at all sure that there may not have been inherent power in a Court, if its authority were vindicated, to release; but that would depend on the nature of the case. The reference made to the provisions of the Act as to excommunication as a positive ecclesiastical punishment is not in point, because the Act, while in that case limiting imprisonment strictly to a fixed time, leaves excommunication in full force with all its ecclesiastical consequences, and a clergyman who had been sentenced to it would be disabled for the performance of all ecclesiastical functions till the excommunication was removed by absolution. After that Act another was passed, under which were taken the proceedings to which the most rev. Prelate referred for the sale of the rev. gentleman's goods. Never was I called upon to discharge a duty which I did with less relish; but it had pleased Parliament in its wisdom to impose upon the Lord Chancellor the absolute duty, from which he could not escape, of issuing a writ of sequestration, and, if required, ordering the sale of goods for the payment of costs. It was as disagreeable to me as it could have been to the noble Lord to carry out such a law. Under the Thorogood Act, to which the noble Earl had referred, no right was given to an unconditional release; it was granted conditionally on payment of the whole amount claimed in the suit, and of the costs; justice was then satisfied, and there was no object in continued imprisonment, six months' imprisonment being fully sufficient for

the mere purpose of punishment. There are clauses in the present Bill to which I object, and which were not sufficiently explained by the noble Earl. One of them proposes to give the Court an invidious discretion to extend the imprisonment from six months to nine. There is another provision in the Bill, that after the contumacious person is released he shall be liable to be again imprisoned if he shall repeat his offence, and this operation may be repeated *toties quoties* until he finally submits. I believe, my Lords, that this would call into existence a worse state of things than that which is now sought to be amended. It would, in my opinion, be far better to substitute for renewed imprisonment, in the case of a subsequent repetition of the same act of disobedience to the law, a provision similar to that contained in the Act of 1874, which makes immediate deprivation, or deprivation after a very short interval, the necessary consequence, when a further inhibition issues from the same Court, after a first inhibition has been relaxed. I see no way in which to avoid these scandalous imprisonments except a provision that on a repetition of the offence the party offending shall be absolutely deprived of his ecclesiastical preferments. If the noble Earl is willing to have the Bill so amended, I think we shall have accomplished a very good work.

THE MARQUESS OF SALISBURY: It is not necessary, my Lords, on this occasion to consider those questions which at present disturb the Church. Once here, the matter can only be one of law. Whatever our view of those speculative opinions may be, I think we are all agreed that if a clergyman has disobeyed the law and been declared contumacious, he is clearly and manifestly in the wrong. But as it is admitted that, under the present condition of the law, the offender when once in prison is liable, if he refuses to submit, to be permanently imprisoned, nobody, I think, can say that such a state of things is conformable to justice or to the ideas now universally entertained with respect to persons acting on conscientious convictions. I have no reason, therefore, to contest the observations which have fallen from the noble and learned Lord on the Wool-sack. I would urge upon your Lordships to allow the Bill to be read a second time, and that we should go into

Committee without being pledged as to the precise remedy to be provided for an undoubted evil. I entirely sympathize with what the noble and learned Lord suggested, that in the case of the release of an offending clergyman security should be provided against a repetition of the offence; but whether the remedy suggested by the noble and learned Lord is on the whole the most desirable I would rather not say until the matter has been more fully discussed. I think we ought to read the Bill a second time and go into Committee agreed that the present state of things is one that ought not to be allowed to continue. At the same time, I do not, by affording a remedy to Mr. Green, wish to give any countenance to his proceedings or his disregard of the decisions of the Courts which have dealt with his case.

Motion agreed to; Bill read 2^d accordingly, and committed to a Committee of the Whole House on Thursday next.

METROPOLITAN BOARD OF WORKS (MONEY) BILL.—(No. 186.)

(*The Lord Thurlow.*)

SECOND READING.

Order of the Day for the Second Reading read.

LORD THURLOW, in moving that the Bill be now read a second time, said, the Bill was nothing more nor less than the Annual Budget of London outside the City for the coming year, and was equivalent to the Annual Money Bill which was brought in since the year 1875. The Bill of last year provided funds up to the 31st December next, and unless the present Bill should become law by that date, the Metropolitan Board would be absolutely without borrowing powers. The Bill conferred new powers up to the 31st of December, 1882. The objects of the Bill, which were sufficiently shown by the Schedule attached to it, related to certain supplementary provisions for 1881, and provided funds for the maintenance of the Fire Brigade, the building of certain stations, and the purchasing of some new sites. Money was also required to continue works on the Thames Embankment, and £100,000 for main drainage works. Then, with respect to the service of 1882, three Bills had already passed both Houses, requir-

ing money for the purchase of lands and manorial rights on Hackney Commons, Brook Green, and Hammersmith; and for building new bridges at Battersea and Putney, which would cost £760,000. The other provisions of the Bill were similar to those which were contained in former Bills, and related to the ordinary expenditure of the Board for 1882 for large street improvements, authorized by Acts of 1872 and 1877, and included in former Money Bills—such as Coventry Street, Haymarket, the new street from Regent Street to Bloomsbury; and for smaller street improvements, such as widening streets by setting back houses where opportunities might occur; also for drainage and for the fencing of parks and commons, of which an area of 1,666 acres was now under the jurisdiction of the Board. Expenditure would also continue under the Thames River Prevention of Floods Act and the Artizans' Dwellings Act. The Bill not only provided for the Board's own requirements, but enabled it to lend money to the School Board, the Asylums Board, and other local bodies, to the extent of £1,100,000; this was in conformity with former precedent. Although the gross borrowing power of the Board was stated in the Bill at £4,548,335, it might be well to point out that the new net borrowing power conferred by the Bill was only £1,463,629. Then they came to Clause 14 of the Bill, with reference to which a Petition was now lying on the Table. This clause was introduced into the Bill on its passage through Committee in the other House of Parliament, and met with the hearty approval and support of Her Majesty's Government. It was very short and simple, and he would read it to the House—

"The Board may, as part of their general expenses, pay all costs, charges, and expenses which may be incurred by them up to December 31, 1882, incidental to any inquiry to be instituted with respect to markets for the sale of food supplies within the Metropolis, as defined by the Metropolis Management Act, 1855, and preliminary to, and incidental to the preparing, applying for, and obtaining an Act of Parliament with respect to such markets or any of such markets."

Now, he ventured to think, considering the importance of the question of the market accommodation of the Metropolis, as lately brought to light, especially in connection with the collapse of the Billingsgate Fish Market—about

which he would presently quote a few words from a Report by Mr. Spencer Walpole, Her Majesty's Inspector of Fisheries—that it would have been very shortsighted—to use the mildest term—if the Metropolitan Board of Works in their Annual Budget Bill, had made no reference to the subject, and that the reference made to it in Clause 14 was of a very moderate and inoffensive character. Mr. Walpole, in his Report, said—

“Billingsgate owed its connection with the fish trade of London to its position on the river. The Thames was the highway, and practically the only highway, by which fish could be brought into the City.”

But he went on to say—

“These conditions have changed. The railways have superseded the river, and fish, instead of being sent up to London in smacks, is now carried up by fast trains, run specially for that purpose.”

Owing to the bad land approaches to Billingsgate vans were delayed for days on their journey from the railway stations to the market, and Mr. Walpole mentioned a case of one van that was crowded out and unable to reach the market and be unpacked for 11 days. It was hardly necessary to add that the fish it contained was then found to be unfit for food and condemned. Clause 14 of the Bill did not touch the legal question of the binding and perpetual character of the Charters of Edward III. and Charles II. These would have to be produced; and it was possible, if not probable, that their inapplicability to the ever-growing requirements of London might be transparent. They were granted at a time when the City of London was everything, and when the Outer Circle was not even dreamt of. Their Lordships knew that each succeeding Census showed the City of London to be steadily decreasing, not, indeed, in power, nor in dignity, nor in wealth, nor in prosperity, but in population, so much so, indeed, as by 54 per cent in 20 years; while London outside the City had actually increased during that period by a similar amount, or more than one-half. The Census taken the other day put the population of the City at 51,306, and of London without the City at 4,713,000. Her Majesty's Government were of opinion that these facts materially affected the question of the ultimate market authority for London; but what did Clause 14 really propose in the

meantime? It did not set aside the ancient Charters conferring monopolies which were, no doubt, suited to the spirit and possibly to the wants of the 14th century, nor did it provide funds for the immediate acquisition of sites for new markets, for the preparation of plans, or for advertising for tenders. It only provided funds for the purpose of legal inquiry, and, if necessary, to defray the expenses incident on going to Parliament for further powers. Having regard to their duty towards the public, he did not think the Metropolitan Board of Works could have done less. He would now say a few words about a Notice given by the noble Earl opposite (Earl De La Warr) for referring this Bill to a Select Committee. There was no precedent for this course, either in this or in the other House of Parliament. Such a course, indeed, had never been proposed with reference to a Metropolitan Board of Works Money Bill until this year, when it was rejected in the other House of Parliament by an overwhelming majority. The Bill bristled with figures, representing many millions, much of which had not only been already spent, but actually already voted by Parliament. These figures represented the public works, the Fire Brigade, and drainage of the Metropolis—subjects which it was quite impracticable for their Lordships to deal with in a Select Committee. The course proposed by the noble Earl would be as inconvenient as it would be unprecedented. There could be no doubt that the proper course for their Lordships to take on the present occasion was the one pursued in previous years on Bills of this kind—that of referring them to a Committee of the Whole House.

Moved, “That the Bill be now read 2^a.”
—(*The Lord Thurlow*.)

Motion agreed to; Bill read 2^a accordingly.

EARL DE LA WARR said, he rose to move that the Bill be referred to a Select Committee. He did not object to the whole of the Bill, but only to Clause 14. With that clause in it he failed to see how the measure could be described as a purely financial measure. By that clause it was proposed to give power to the Metropolitan Board of Works to inquire into the subject of provision markets in the Metropolis, and, if necessary, to

apply to Parliament for an Act dealing with such markets. The Corporation of the City possessed market rights and privileges which dated back 500 years and more, and which had been confirmed by several Acts of Parliament, one of them being a recent Act. Their Lordships should bear in mind that upon the securing of those rights between £2,000,000 and £3,000,000 were invested in the City markets. This was a very grave and serious question. What had occurred in the other House of Parliament, he believed, was this. The Bill passed the second reading, probably, with little or no attention, and in Committee this clause was introduced unexpectedly, no Notice having been given to any of the parties concerned, who did not know of it sooner than the public generally. And yet this very clause most materially affected their rights. The Bill was passed in a House, he believed, of 59 Members—a Bill which concerned the ancient rights and privileges of the Corporation of the City of London, and involved very large interests. He asked their Lordships whether that was the way a question of this kind should be disposed of, and whether it was not very reasonable that the Bill should be referred to a Select Committee, where the interests of all parties concerned might be considered? The Corporation were ready to do anything they could to promote the establishment of good markets, and they would support any well-founded scheme for that purpose. They did not ask that the clause should be rejected, they courted inquiry; because they well knew, and he well knew, that if an inquiry were given it would be shown that they were far from disregarding the duties and responsibilities imposed upon them. A very careful inquiry had been made by the Corporation into the state of Billingsgate Market, and witnesses were examined from all parts of the country to ascertain what was best to be done in the public interest. The matter was under the consideration of the Corporation, who were doing their best for the benefit of the public. The markets of London were, as their Lordships knew, wholesale markets. The City of London would rather encourage the establishment of retail markets; but the retail markets of which they lately had experience had in two instances entirely failed. One was most

liberally founded, or attempted to be founded, by the Baroness Burdett-Coutts, and another by a large Railway Company; and yet both failed. It was a very important question that this Metropolis should be supplied with better markets, and the Corporation of London were ready to do everything in their power to promote their establishment. He hoped these reasons would be considered of some weight, and would induce their Lordships not to reject the Bill, but to refer it to a Select Committee, where the views of all the parties concerned might be heard. He begged to move that the Bill be referred to a Select Committee.

Moved, "That the Bill be referred to a Select Committee."—(*The Earl De La Warr.*)

THE EARL OF CAMPERDOWN said, he was very glad the Government did not intend to consent to refer this Bill to a Select Committee. The case put by the noble Earl was a very good case in its way, but it had no reference to this Bill. In fact, the noble Earl had so carefully studied the Petition of the City of London that he had not read the Bill itself. The clause to which objection was raised did not interfere with any of the privileges of the City. It simply authorized the Metropolitan Board of Works to pay any expenses they might incur in their inquiry how to provide a better supply of fish for the Metropolis. The noble Earl said that the City of London was willing to assist in any inquiry. How, then, could the City of London or the noble Earl say that this was an attack upon their interests? Their Lordships had seen the Petition drawn up by the City Remembrancer, and circulated among the Members of that House. It was of a very extraordinary character. It said that—

"The Metropolitan Board of Works proposed to take advantage of the outcry against the Billingsgate Market to repeal by a side-wind the Charters and Acts of Parliament defining the City's market rights."

No such thing. The intention of the Metropolitan Board in this Bill was only to institute an inquiry with regard to the markets which supplied food to the Metropolis. But the City Remembrancer worked himself up to a high pitch of excitement as he proceeded; the Petition said—

"No institution, no property is safe, if it may be taken away or prejudicially affected without notice."

No one proposed to do either; and it was wholly unnecessary to give notice to the City about the inquiry which the Metropolitan Board of Works proposed to hold. The Petition went on to say—

"The Metropolitan Board of Works have not now and never had any responsibility about the food supply of the Metropolis; but the Corporation always have had, the Charters being not only to the City, but within seven miles circuit thereof."

But if the Corporation had always had charge of the food supply of the Metropolis, then it was high time there should be an inquiry into the manner in which that responsibility had been discharged, for everyone was aware that the distribution of food, and more particularly of fish, to the Metropolis was in a most unsatisfactory condition. This Petition partook somewhat of an Irish character, because, having stated that property and every other institution was not safe, it pointed out that the attempt of the City to establish a second market had been a failure. But if that was the case, how could the property of the City be injuriously affected? It would be wholly without precedent if their Lordships were to refer the Bill to a Select Committee. If there were any objection to any particular clause, the proper way was to consider it in Committee of the Whole House, where the noble Earl would have an opportunity of submitting his case. On these grounds, he held that the Motion of the noble Earl should be rejected.

THE EARL OF REDESDALE (CHAIRMAN OF COMMITTEES) said, a Metropolitan Money Bill was a comparatively recent thing, and he objected very strongly to a matter of this importance, which, apparently, affected the rights and privileges of many persons, being introduced in this way, instead of by a separate Bill. The clause referred to was fairly open to objections, and he should therefore support the Motion of the noble Earl for referring the Bill to a Select Committee, before which the case for the City of London might be heard.

On question, *resolved in the negative.*

Bill committed to a Committee of the Whole House on *Thursday* next.

The Earl of Camperdown

LEASES FOR SCHOOLS (IRELAND) BILL. (*The Lord O'Hagan.*)

(NO. 188.) SECOND READING.

Order of the Day for the Second Reading read.

LORD O'HAGAN, in moving that the Bill be now read a second time, said, the object of the Bill was to confer certain powers for the purpose of having suitable sites provided for schools in Ireland. The necessity for such a provision was very great, and it arose in this way. The National Board in Ireland had about 7,000 schools, some of which were what were called vested schools and the others non-vested. The vested schools were those to which the Commissioners gave State aid. It gave two-thirds of the money necessary to build the schools, the balance being subscribed by the localities. The non-vested schools were built entirely by the localities. There were about 2,000 vested schools, and 5,500 non-vested. The vested schools generally were very good buildings, properly equipped and with suitable accommodation; the non-vested schools were, generally speaking, in a very poor and miserable condition—not properly equipped or arranged. The people had a difficulty in obtaining sites for schools, and were, to a large extent, deprived of the benefit of schools for their children. In past times that had somewhat arisen from the feelings with reference to the form of education given by the National Board; but they had long ceased, and the difficulty now arose not from sectarianism of any kind, but from the want of power in the people of the country to give proper leases. The condition on which the National Board supplied to the vested schools two-thirds of the money necessary to erect buildings was that it should have a lease of 60 years, or a lease of three lives and 31 years. These leases, of course, were necessary in order that the public money, which was expended to the extent of several thousands a-year, should not be laid out except on a proper title, and a proper title could not be had. Provisions similar to those contained in the present Bill had been contained in several previous statutes. The Bill would reach not merely to the National Board, but to people of all denominations in the country, giving them all the same ad-

vantages. The tenure it was proposed to confer on the schools was a tenure of 900 years at the most and 99 years at the least, with proper powers of inspection and powers of resuming the premises if, for three years, they failed to be devoted to the purposes of the grants. Under these circumstances, it appeared to him that their Lordships would have no objection to the proposal. He had received a letter from a clergyman in Ireland, who stated that he had been to considerable expense in getting together the necessary materials for a school in the hope of being recognized by the National Board; but all his labour and expense had been thrown away, since the owner was only tenant for life, and could not execute for more than 21 years, which would not satisfy the Board. The owner was willing to grant a lease so far as he could; the National Board were willing to grant aid so far as they could; and the clergyman was willing to make any sacrifice and build if he could. The necessity of a new school was admitted, and yet the whole thing was stopped by the state of the law, which the Bill sought to remedy. In conclusion, he begged to move that the Bill be now read a second time.

Moved, "That the Bill be now read 2^a."
—(*The Lord O'Hagan.*)

THE EARL OF REDESDALE (CHAIRMAN OF COMMITTEES) said, he had no objection to the second reading, but could not see why there should be power to grant a lease for so long as 900 years. The landowners might as well grant freehold sites at once as give very long leases.

LORD O'HAGAN said, it was proposed that there should be a nominal rent, but he thought that might be left over for Committee.

THE MARQUESS OF SALISBURY asked whether, if a garden were attached to a school, the property would come under the operation of the Land Law (Ireland) Bill?

LORD O'HAGAN said, it would not. Only those persons who possessed full leasing powers would be able to grant sites for schools.

LORD VENTRY said, he wished to point out that Clause 1 would apply to private schools.

LORD O'HAGAN said, that that could be rectified in Committee,

After a few words from the Earl of LONGFORD,

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on *Thursday* next.

CORRUPT PRACTICES (SUSPENSION OF ELECTIONS) BILL.—(No. 208.)

(*The Earl of Dalhousie.*)

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF DALHOUSIE, in moving that the Bill be now read a second time, said, that last year Commissions were appointed to inquire into certain corrupt practices which occurred at the General Election. They reported that corrupt practices had extensively prevailed in seven burghs detailed in the Bill. The effect of the Bill was to suspend, until the assembling of Parliament next year, the power of electing Members of Parliament in these burghs. It was obviously desirable that Parliament should take into consideration the state of things which prevailed in these burghs, with a view, if necessary, of awarding such punishment as might seem in the wisdom of Parliament to be required.

Moved, "That the Bill be now read 2^a."
—(*The Earl of Dalhousie.*)

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on *Thursday* next.

ARMY—THE AUXILIARY FORCES—THE MILITIA—MEMORANDUM OF JUNE, 1881.

THE EARL OF SANDWICH said, he rose to ask the Under Secretary of State for War some Questions respecting the Militia and Mr. Childers's Memorandum which was presented to Parliament in June, 1881. He complained of the way in which the adjutants had been treated in certain cases, and said it would be a great boon if portions of the Militia were paraded before the Royal Family. Officers who had been 50 years in the Service felt the stigma on themselves and their regiments at being left out in the distribution of honours; and the subject had been mentioned to him by many officers who naturally felt aggrieved to

find themselves superseded by colonels of three or four years' experience.

THE EARL OF LONGFORD said, he wished to put a Question with reference to the new Rules relating to summary punishment. In his opinion, if the Militia were to have the advantage of them, and they were to be exhibited at the Post Offices, they would not be likely to give an impetus to recruiting for the Militia regiments.

THE EARL OF MORLEY said, that when the Militia became subject to military law, they would come under the same provisions, in regard to summary punishments, as the Regular Forces. As to the present organization of Militia being permanent, they had heard lately a good deal about the words "permanent," "fixity," and "durable." He could not say that it would be permanent; but he hoped and believed that the arrangements now made with regard to the Militia would be durable. As to the removal of regiments to the depôts, he agreed that in some cases it might have caused some inconvenience, the accommodation not being sufficient. The accommodation at the regimental depôts having been provided for the regiments in the sub-district, there was difficulty in asking Parliament to add county buildings for the accommodation of Militia regiments. The question had been before a Committee over which he presided, and certain recommendations had been made; but much depended on the arrangements which could be made with the county authorities. The Secretary of State for War was very anxious to do all he could to maintain the popularity and efficiency of the Militia and to maintain the union between the Line and the Militia. The position of an officer of Militia was quite different from that of an officer of the Line in regard to retirement, and some discretion was given, depending on the reports of the inspecting officer. There was a fixed age in each rank, with permission to exceed it by five years in special circumstances; and the arrangement was as liberal as it could well be. Captains were retired at 50 or 55, compared with 40 or 43 in the Line. Colonels would be allowed, in special cases, to stay on till they were 60 years of age. Paymasters having been appointed for sub-districts, adjutants acted only as sub-accountants and not as paymasters; and if this were

to be recognized as ground for a claim, it would be the opening wide of a door for every sort of compensation for services which came within a man's ordinary duties. A very substantial rise had been made in the pay of the adjutants on the understanding that the new pay was to be in lieu of former remuneration for all services, and he ventured to think that they had no claim for anything further. It was felt by everyone in the Army that the Militia should be encouraged, as it was a most efficient and valuable force. But he did not think there was any necessity or any intention at present to take any extraordinary measures in the shape of Royal Reviews to encourage the force. It would maintain itself without any such stimulus. The question of honours was a difficult and delicate one to talk of in the House, and he could not help regretting that the noble Lord should have taken the unusual course of calling attention to their recent distribution. The distribution of honours was attended with very considerable difficulty, and the Secretary of State for War took the greatest possible care to make it as fair and just as possible. He regretted very much that the inevitable result of the distribution, where so many had claims to distinction, was that some should be disappointed; but this he could say, that the distribution was accepted as having been justly and fairly made. It never for a moment entered into his right hon. Friend's head that those who were disappointed had any stigma cast upon their characters, and he could not conceive that such an idea could, inside the House or out of it, be seriously entertained.

THE MARQUESS OF SALISBURY said, he desired to refer very briefly to the closing observations of the noble Earl. He quite agreed that the question was one which it was very difficult to discuss in that House; but he could not help saying that the difficulty into which the right hon. Gentleman the Secretary for War fell was in ear-marking and assigning a particular number of honours for a particular service. At the first sight it appeared to be a very reasonable proceeding, but it almost inevitably resulted in the disappointment of some persons. It naturally led to a feeling on the part of those who were excluded that a reflection was cast upon them, although he quite admitted that that could never

The Earl of Sandwich

have been intended. A very sound rule had always prevailed in both Houses of Parliament that conferring of honours by the Sovereign should not be the subject of discussion. Individual cases were not susceptible of discussion; but he thought that the difficulty which had arisen was traceable to the innovation which he had pointed out. It was certainly a mistake to take out of their established order a particular number of decorations, and say—"These shall be the rewards in a particular service." There should be a general form of awarding honours, and, to avoid dissatisfaction, people should not be allowed to look upon it as a matter of chance.

THE EARL OF KIMBERLEY said, that, without expressing any opinion on what the noble Marquess had said, he believed it was true that when the noble Marquess was himself in Office something of the same kind had occurred in the distribution of the Order of St. Michael and St. George, of which a certain number had been set apart for the Foreign Office.

THE MARQUESS OF SALISBURY said, they were not assigned to any special service. They were not taken out of the order, but were created for the special purpose.

LORD STRATHNAIRN said, that he supported the conclusions at which his noble and gallant Friend had arrived.

House adjourned at a quarter past Eight o'clock, to Thursday next, a quarter before Four o'clock.

HOUSE OF COMMONS,

Tuesday, 9th August, 1881.

MINUTES.—SUPPLY—considered in Committee Resolutions [August 8] reported.

WAYS AND MEANS—considered in Committee—Resolution [August 8] reported—£21,895,712, Consolidated Fund.

PUBLIC BILLS—Ordered—First Reading—Consolidated Fund (No. 4) *.

First Reading—Royal University of Ireland * [247].

Second Reading—Bills of Exchange [218].

Committee—Report—Third Reading—Universities (Scotland) Registration of Parliamentary Voters, &c. * [232], and passed.

Considered as amended—Indian Loan of 1879 * [237].

VOL. CCLXIV. [THIRD SERIES.]

QUESTIONS.

TRIPOLI—CONSULAR JURISDICTION.

MR. HINDE PALMER asked the Under Secretary of State for Foreign Affairs, Whether there will be any objection to present to Parliament a Copy of the Protocol of the 12-24th of February 1873, signed at Constantinople between the Representatives of Great Britain, France, Italy, and Turkey in regard to Consular jurisdiction in Tripoli, referred to in Earl Granville's Letter to Lord Lyons of July 15th 1881, recently communicated to Members?

SIR CHARLES W. DILKE: Sir, the Protocol asked for by my hon. Friend will be at once laid on the Table.

CENTRAL ASIA—RUSSIAN ADVANCES.

MR. E. STANHOPE asked the Under Secretary of State for Foreign Affairs, What is the total extent of the territory in Central Asia recently annexed to the Russian Empire; and what portion of it has hitherto been considered to belong to Persia?

SIR CHARLES W. DILKE: Sir, Her Majesty's Chargé d'Affaires at St. Petersburg has been officially informed that the country immediately surrounding Askabad is the southern boundary of the Tekke Oasis, which has been annexed to Russia; that the head-quarters of General Rohrberg, General Skobelev's successor, are at Askabad; but that there may be a few troops at Gowars, and that some troops advanced as far as Luftabad, but have returned. Until Her Majesty's Government receive more exact information on the subject of the boundaries of the new district, it would be very difficult to say the exact area in miles, and there is also a difficulty caused by the fact that the Frontiers before the annexation were not settled Frontiers. It is by no means certain that any portion of the territory referred to belongs to Persia; and it will be inexpedient to express any opinion as to how far the Russian advances trench, if they do so at all, on what has been considered Persian territory. Correspondence on the subject has taken place, and further information has been sought for as to the exact boundaries, and it will be placed before the House.

VISCOUNT SANDON asked, how soon it was expected that the information could be laid, and in what form it would be placed, before the House?

SIR CHARLES W. DILKE thought there was no difficulty in giving a promise that any further information on the subject, whether in the form of a map or otherwise, would be placed before the House as received by the Government. The names were not marked on the maps the Government at present possessed, and he thought it was very difficult to construct a map.

POST OFFICE—WEATHER FORECASTS.

MR. EARP asked the Postmaster General, Whether, considering the importance to agriculturists of a knowledge of weather forecasts, he can arrange to have notice of them given through the post offices of the United Kingdom by telegraph and otherwise, in order that they may be posted up outside post offices for the information of the public?

MR. FAWCETT: Sir, I am very sorry not to be able to accede to the request contained in the Question of my hon. Friend. It would, I find, be acting in opposition to the understanding upon which the Telegraph Acts were passed if the Post Office became a purveyor of news. It was, I believe, contemplated that the Post Office should confine itself to the transmission of news. I think the object sought for by my hon. Friend might be easily attained in another way, because I have ascertained that the Meteorological Department would be willing to supply weather forecasts at little more than a nominal charge. Almost the only expense, therefore, would be the cost of telegraphing the message, and by the Telegraph Act it is provided that if a message is sent to an exchange or a club the Press rate only shall be charged, which is 1s. for the first message of 75 words, and 2d. for each copy. If, therefore, a number of towns or villages combined, the charge would be extremely small.

ARMY—THE CASE OF MR. LYNALL THOMAS.

MR. LEAKE asked the Secretary of State for War, Whether the shorthand writer's notes of the trial "*Thomas v. The Queen*" are the same as are printed

in a verbatim Report of that trial extending to 844 folio pages; if so, whether he observed the evidence that, at Shoeburyness, in September 1860, a shot of 175lbs. weight, with a charge of 25lbs. of powder, was for the first time on record projected 10,075 yards from a 7-inch 7-ton gun designed by Mr. Lynall Thomas, and that General Campbell, a Crown witness, affirmed that Mr. Thomas's gun was the most powerful piece of rifled ordnance that up to that time had been produced, having regard to the weight of projectile and the charge employed; whether he observed that the judge in his summing up drew attention to the fact that, whenever the decisive question was put to the Crown witnesses whether Mr. Thomas's gun was not substantially the same as the Woolwich 7-inch muzzle-loading guns of the Service, he, the judge, could never get a direct answer to the question; whether he observed that after fifteen days' investigation, and after hearing the evidence and cross-examination of such eminent witnesses for the Crown as Mr. Bramwell, Captain Noble, General Campbell, and others, the special jury gave a verdict for Mr. Thomas; whether, in his perusal of the proceedings on appeal, he observed that the Divisional Court of Queen's Bench quashed the verdict on technical grounds only; whether he is aware that the late Attorney General on August 4th 1879, stated in the House that this decision did not involve the question whether Mr. Thomas was or was not the originator of the system of heavy ordnance; and, whether, under these circumstances, he will reconsider his decision in the case of Mr. Thomas?

MR. CHILDERS: Sir, in reply to the first part of my hon. Friend's Question, I have to inform him that the shorthand writer's notes are in print. But I must altogether decline to treat separately, and explain to the House in the course of an answer to a Question, particular statements by individual witnesses. I have already expressed my opinion upon the whole case, after carefully reading the evidence, counsel's speeches, the Judge's Charge, and the proceedings in the Queen's Bench Division. I ought, however, to say, with reference to my hon. Friend's suggestion that the verdict was quashed on technical grounds, that the words used by the

Judges were that the "verdict was not satisfactory," that—

"There clearly must be a new trial. We stopped you (the Attorney General) upon the evidence, because we were of that opinion,"

and that "the foundation of Mr. Thomas's claim wholly failed." Again—

"There was no contract at all from the beginning to the end between the Government and Mr. Thomas."

I can only, therefore, repeat that Mr. Thomas, in my opinion, has no claim whatever on the Exchequer, legal or equitable, except as a matter of mere compassion; and I am not prepared to recommend Parliament to make him a grant on this ground for the reasons I have already given.

Mr. LEAKE said, in consequence of the answer given by the right hon. Gentleman, he should call attention to the matter early in the next Session.

MERCHANT SHIPPING ACTS—EMI-GRANT SHIPS.

Mr. J. G. TALBOT asked the President of the Board of Trade, Whether the result of the inquiry instituted by him into certain complaints made as to the accommodation and treatment of emigrants on board Atlantic steamships has been to satisfy the Board of Trade that those complaints are in the main without foundation; and, whether he has taken any steps to suggest to shipowners the advisability of making the additional precautionary arrangements referred to in his Minute contained in Blue Book recently presented to Parliament?

Mr. T. P. O'CONNOR said, he would submit to the right hon. Gentleman the advisability of his postponing a definite answer to the first part of the Question until the Motion on the subject standing in the name of the hon. Member for Dungarvan (Mr. O'Donnell) was discussed.

Mr. CHAMBERLAIN, in reply, said, he had already, in his Minute prefixed to the Papers before the House, expressed his opinion on the subject. That opinion was that, so far as Miss O'Brien's complaints against the shipowners and other persons connected with the trade were concerned, they were entirely disproved. As regarded the second part of the Question, he had already sent copies of the Report and suggestions

of the Board of Trade to all the principal shipowners in the Kingdom, and had called upon them to submit any observations they had to make on the subject. There was no reason, he believed, to doubt that shipowners would not voluntarily adopt any precautions necessary to carry out the objects which the Government had in view.

INDUSTRIAL SCHOOLS ACT—CASE OF REBECCA ATKINS.

Mr. PASSMORE EDWARDS asked the Secretary of State for the Home Department, Whether, in considering the Memorial sent to him on the 17th June 1881, by William Atkins, praying for the release of his daughter Rebecca Atkins, from custody under the amended Industrial Schools Act, the careful consideration of the facts included any testimony offered by the relatives of the child; if, considering the Report of Assistant Police Commissioner William Harris (85,386), and dated 29th April 1881, to the Chelsea Vestry and the resolution of the Vestry at a subsequent date, he will now accede to the prayer of the said Memorial; and, whether he approves of the apprehension of children without summons or warrant, and of the conduct of the police in this case, who prevented the child seeing her parents during the ten days of her confinement before the order of detention was made by the magistrates?

Sir WILLIAM HARCOURT, in reply, said, this matter was not, as seemed to be suggested by the Question, a subject connected with the police at all. It was a proceeding by the School Board under the Act of 1866, which gave power to any person to bring before two Justices a child under the age of 14, who was either in the condition of begging or wandering about without proper abode. Last year that clause had been extended to the case of female children of tender years, who were found in brothels, with the effect of saving them from degradation and crime. Under that Act proceedings were taken in this case by the School Board officer. The police had nothing to do with the matter, except to give evidence as to the character of the house in which the child was found. The magistrate was satisfied with the evidence, and the child was ordered to go to an industrial school, and he had no reason to think that the

proceeding was an improper one. As far as he knew, there was nothing to complain of in the case; but, of course, if there had been any mistake as to the character of the evidence, and if the evidence were refuted, it would form a ground for the discharge of the child.

ARMY (INDIA)—COLONEL BURROWS.

SIR H. DRUMMOND WOLFF asked the Secretary of State for India, Whether any communication has been made to Colonel Burrows, either by the Government of India or by the India Office, informing him of the grounds on which the Governor General in Council refused to adopt the recommendation of the Governor of Bombay in Council that Colonel Burrows should be permitted to return to his permanent brigade; and, whether this decision was arrived at after any investigation at which Colonel Burrows was called upon for an explanation or defence; and, if not, whether an opportunity will be given to Colonel Burrows to defend himself against the charges made against him which are at present anonymous?

THE MARQUESS OF HARTINGTON: Sir, in December last the Government of Bombay were told by the Government of India that the Governor General in Council could not agree to the proposal of the Bombay Government that Brigadier General Burrows should be permitted to revert to his permanent brigade command, as, though his personal courage and gallantry were fully admitted, the Viceroy in Council was of opinion that the Brigadier General did not exhibit that degree of military capacity which would justify his being again intrusted with responsible military command. This must have been communicated to Colonel Burrows, as he appealed against the decision. That appeal was answered by the Government of India on the 2nd of May, 1881; and the Government of Bombay was informed that the previous decision was arrived at after very full and deliberate consideration of all the circumstances of the case, and the Governor General in Council was unable to depart from it. This was forwarded to the Commander in Chief of the Bombay Army for communication to Colonel Burrows. So far as is known here, there are no anonymous charges against Colonel Burrows. The Govern-

ment of India, after a careful review of the facts of the case, came to a deliberate conclusion that it would not be to the advantage of the Public Service to again intrust Colonel Burrows with important military command. As being responsible, in the first degree, for the security of Her Majesty's Indian Dominions, they had no other course than to act on the judgment they had formed on the whole matter.

PUBLIC HEALTH—SMALL-POX (METROPOLIS).

MR. HENRY ALLEN asked the President of the Local Government Board, Whether, in view of the increase of Small Pox in the Metropolis, he will furnish the latest statistics of its comparative incidence on vaccinated and unvaccinated persons?

MR. DODSON: Sir, the Registrar General's Returns show, as far as practicable, the actual number of deaths from small-pox among vaccinated and unvaccinated persons in the Metropolis. These Returns are issued every week, and include only persons who have died; but I have no means of ascertaining the exact number of cases of small-pox which occur among persons who recover, except as regards the patients in the Metropolitan hospitals; and I will endeavour to lay these statistics on the Table of the House at an early period.

WAYS AND MEANS—INLAND REVENUE —OFFICERS OF THE EXCISE BRANCH.

MR. PULESTON asked the Secretary to the Treasury, Whether he can inform the House how many Division Officers of Inland Revenue (Excise Branch) have in the last three years been promoted over the heads of their seniors in the service; whether the collectors are adverse to the system of special recommendations; and, whether, as carried out, it causes discontent in the service?

LORD FREDERICK CAVENDISH: Sir, out of 155 division officers of Excise examined for promotion since November, 1878 (96 of whom passed their examinations successfully), only 12 were promoted over the heads of their seniors. The Board of Inland Revenue are not aware that collectors are adverse to the system of special recommendations. I am not aware that there is any discontent, except among officers passed over;

but I may add that selection is very important for the efficiency of the Service.

VACCINATION—FRENCH SOLDIERS IN AFRICA.

MR. BLENNERHASSETT asked the President of the Local Government Board, Whether his attention has been called to a statement which has appeared in several French newspapers to the effect that fifty-eight French soldiers are now in hospital at Algiers terribly afflicted with disease arising out of vaccination with impure lymph; and, whether he will cause inquiry to be made into the circumstances with the view of obtaining information that may be useful in this country?

MR. DODSON: Sir, an extract from a French newspaper has been sent to me containing a quotation from a journal published in Algiers, in which it is stated that the 4th Regiment of Zouaves has been afflicted with disease in consequence of vaccination. I have no means at my disposal for making inquiry into the matter, and it would only be by the courtesy of the French Government that any information could be obtained on the subject. I will consider, however, whether any communication should be addressed to them through the Foreign Office for that purpose.

LAW AND POLICE—SPEECH OF MRS. BESANT AT THE HALL OF SCIENCE.

MR. RITCHIE asked the First Lord of the Treasury, Whether his attention has been called to a speech made by Mrs. Besant at the Hall of Science on Sunday evening, to the following effect:—

“Mr. Bradlaugh had desired on Wednesday last to fight the battle alone; but he now bade her tell them that he intended to go down to the House of Commons; that he did not mean to be prevented by the means that had been used against him; that the next time he went he would take care to protect himself against any violence. He bade her tell them why he appeared to be so patient the last time, but he also bade her to tell them that he did not intend to show the same forbearance again. Mrs. Besant gave an account of the reception which she and the daughters of Mr. Bradlaugh met with at the House of Commons on Wednesday. She remembered the order which their leader had given them—‘Don’t struggle with the police; don’t fight with the police;’ but had she known of what was going on in the Lobby when she stood on the steps leading from Westminster Hall, she would have let their sup-

porters go and show Mr. Speaker Brand something of the same sort that his mob of police were showing to a Member of Parliament. She advised them to make good use of their time, and said ‘a little drilling would not be bad, because otherwise the police have a great advantage over you.’ They would do well to join the Volunteer regiments, and take advantage of the drilling and the training. It was always well to know how to be able to guard themselves. The Volunteer regiments were perfectly legal, and the more that joined them the better would it be for their own cause in the future. Mr. Bradlaugh was going to the House of Commons again, but he was not going to tell them when. He was not going to let the officials know when he was going, but he would let a large number of his own supporters know;”

whether such speech had come to the knowledge of the Government prior to their decision, announced to the House yesterday, to deal with the question of Mr. Bradlaugh’s admission to the House next Session; and, whether the Government will take measures to prevent the threatened riot?

MR. GLADSTONE: I knew nothing whatever of this speech till I read it in the Votes this morning. In regard to the maintenance of order in the neighbourhood of this House, I have nothing to add to what has been said by my right hon. and learned Friend the Secretary of State for the Home Department, whose duty it is, of course, to support by every means in his power the authority of this House; nor have I any reason to suppose that those means will be inadequate.

PORTUGAL (INDIA)—THE GOA TREATY.

MR. CARTWRIGHT asked the Secretary of State for India, Whether the financial results consequent on the first year’s execution of the Goa Treaty have proved highly satisfactory to both Governments concerned; and, whether there are any official reports showing these mutually satisfactory results; and, if so, then whether he would make these reports public in view of the very erroneous opinions widely circulated by the Portuguese Press in regard to the nature and bearing of the provisions of the Treaty?

THE MARQUESS OF HARTINGTON, in reply, said, no Report had been received from the Government of India on this subject, though they had been asked to furnish one, and had been subsequently requested to furnish an imme-

diate reply. He might state that a very favourable Report had, however, been received through the Foreign Office from the Portuguese authorities as to the working of the Treaty; but he did not think it was desirable that that should be laid on the Table until it could be accompanied with the Report from the Government of India which had been asked for.

INDIA—THE STRAITS SETTLEMENTS— THE MALAY CHIEFS.

MR. LYULPH STANLEY asked the Under Secretary of State for the Colonies, Whether Her Majesty's Government will consider the expediency of releasing the Malay Chiefs from Perak now detained administratively at the Seychelles without having been subjected to trial or convicted of any offence; and, whether they will communicate with the Governor of Singapore with a view to at least their conditional liberation, even if it be not considered expedient to permit their return to their own country?

MR. COURTNEY: Sir, the inquiry suggested by the hon. Member's Question will be made by the Governor of the Straits Settlements.

RAILWAYS—THE BLACKBURN RAIL- WAY ACCIDENT.

MR. BRIGGS asked the President of the Board of Trade, Whether he has had his attention directed to the fatal railway accident at the Blackburn Railway Station; whether a representative of the Board of Trade will be present officially at the inquest; and, whether a full investigation into the causes of the accident will be made?

MR. CHAMBERLAIN: Sir, I have seen with very great regret, in the papers of to-day, an account of the fatal accident referred to. I have also received a Report from the Lancashire and Yorkshire Railway Company on the subject. Colonel Yolland, the senior Inspector of the Board of Trade, has been instructed to make a full inquiry into the matter. I have no power to insist that he shall be present at the inquest; but if the Coroner desires it Colonel Yolland has been instructed to give him all the assistance in his power.

The Marquess of Hartington

ORDERS OF THE DAY.

LAND LAW (IRELAND) BILL.

CONSIDERATION OF LORDS' AMENDMENTS.

[FIRST NIGHT.]

Order for Consideration of Lords' Amendments read.

Motion made, and Question, "That the Amendments made by The Lords to the Land Law (Ireland) Bill be now considered,"—(*Mr. Gladstone*,)—put, and agreed to.

Lords' Amendments considered.

The following Amendments read a second time, and, on the Motion of Mr. ATTORNEY GENERAL for IRELAND, agreed to:—In line 21, leave out ("has agreed") and insert ("shall agree"); and in line 23, after ("State") insert ("in writing").

The next Amendment, in line 26, leave out from ("Court") to ("declare") in line 28, and insert ("shall") read a second time.

On Question, "That this House doth agree with The Lords in the said Amendment."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved to disagree with the Amendment. One effect of the Amendment was shortly this—Certain requirements were inserted in a former part of the clause, obliging the tenant to give the prescribed notice to the landlord of his intention to sell, and also certain information. Supposing, then, that a particular number of days' notice was required by the landlord, and that the tenant was an hour or a day late, though not affecting the merits of the case in the smallest degree, the Court, according to this Amendment, would be bound, without any discretion whatever, and at the bidding of the landlord, to declare the sale void. It would be most unreasonable to exact that, and he therefore asked the House to disagree with the Amendment. The clause, as it originally stood, gave the Court perfect power to declare a sale void if the interests of the landlord and the justice of the case required.

Motion made, and Question, "That this House doth disagree with the Lords

in the said Amendment,"—(*Mr. Attorney General for Ireland*,)—put, and agreed to.

On the Motion of *Mr. ATTORNEY GENERAL* for IRELAND, the next Amendment, in line 28, after ("void") insert ("if the landlord shall so require,") *dis-agreed to*.

Page 2, line 5, after the word "Court," insert the words—

"Provided, That the landlord's objection shall be conclusive in the case of any tenancy in a holding where the permanent improvements in respect of which, if made by the tenant or his predecessors in title, the tenant would have been entitled to be compensated under the provisions of 'The Landlord and Tenant (Ireland) Act, 1870,' as amended by this Act, have been made by the landlord or his predecessors in title, and not by the tenant or his predecessors in title,"

—the next Amendment, read a second time.

Motion made, and Question proposed, "That this House doth agree with The Lords in the said Amendment."

Mr. GLADSTONE said, the Amendment was one of which the House would perceive the effect to be that it placed it absolutely in the power of the landlord, under certain circumstances, to exclude any particular person proposed to him as tenant from the tenancy, and by a succession of such objections it, of course, placed it in the power of the landlord, as there was no limit to such objections, to exclude that particular tenant from the benefit of the sale of the tenant right. As the Amendment stood, it was inadmissible; but having considered it, he found it might be amended in such a way as to bring it in a certain sense into conformity with the principle of the Bill. By the Bill, as it stood, they were not unwilling to recognize, under given circumstances, that in certain cases where the permanent improvements on the holding had been created and substantially maintained by the landlord and his predecessors in title a difference might be recognized. In that spirit, therefore, he proposed to ask the House to agree to the Amendment, with several Amendments, and the substantial Amendment of inserting after the word "made" the words "and substantially maintained." He was bound to say they asked the House to do this distinctly as a concession to the other House of Parliament, and not because they believed it to be an improve-

ment in the Bill. There was no doubt, in a case of this kind, they freely admitted, that where the improvements had been made and permanently maintained by the landlord, the tenant, unless he had made other improvements himself, had nothing to sell except his right of occupancy; but they saw no reason why he should not sell that right of occupancy; on the contrary, they thought it better he should. At the same time, the question was one with regard to which two things might be said. On the one hand, a very strong desire had been manifested in favour of the Amendment by a large minority of that House, and certainly by the other House of Parliament; and, on the other hand, although the Government thought it a deterioration of the Bill, it was not such a deterioration as to make them think it necessary to invite the House to take its stand and decline to admit it. He need not say that if it were an alteration of the Bill of that character, they could not ask the House to agree to it. He would now propose, in the first place, to amend the Amendment in a verbal manner, by altering the words "to be compensated" to the words "to compensation," then in the seventh line to insert after the word "made," the words, "and substantially maintained," and in the eighth line to strike out "or," and insert "and."

Amendment proposed to said Amendment, in line 4, to strike out the words "be compensated," and insert "compensation;" in line 7, after the word "made," to insert the words "and substantially maintained;" and in line 8, to strike out the word "or," and insert "and."—(*Mr. Gladstone*.)

Mr. HEALY asked *Mr. Speaker*, on a point of Order, whether it was not open to a Member to move the absolute rejection of the whole of the Lords' Amendments?

Mr. SPEAKER said, it would be competent for the hon. Member, after the proposed Amendments on the said Amendment had been disposed of, to make a Motion in regard to the said Amendment itself, on the proposed Amendment to the Amendment to leave out, in line 5, the word "compensated," and insert "compensation."

Mr. PARNELL wished to say, that he must not, by being silent, be taken

as agreeing to the course proposed by the Prime Minister of agreeing to the Lords' Amendment with the Amendments proposed by the right hon. Gentleman. Of course, it was right on the part of the Government to amend the Amendment as they desired, and then they should be able to take the opinion of the House as regarded the Amendment itself; but they could not do so at present. When the proper time arrived he should move a further Amendment.

MR. HEALY asked the Prime Minister whether it was not the fact that the acceptance of the Lords' Amendment did not amount to a practical admission that the tenant had no interest in the holding except the improvement he had made himself?

MR. GLADSTONE said, the acceptance of the Amendment did not amount to such an admission in all cases, because such an admission was contradicted by a number of substantial enactments in the Bill; but he would fully admit that the Amendment as amended undoubtedly did say that a class of tenants, in very rare cases where the improvements had been made and "substantially maintained by the landlord," had no interest in the holding except in respect of the improvements made by themselves.

MR. GIBSON said, the Amendments which the Prime Minister had just announced proposed an alteration of the Lords' Amendment, which was one of importance. It dealt with a class of Amendments which proposed to reserve the right to landlords to manage their estates on the English system, and this Amendment only proposed to preserve to landlords one of the principles which was recognized in England—that was, to enable the landlord who had made permanent improvements on his property the privilege of selecting his tenant. That was really all that was given by the Lords' Amendment. The Prime Minister had said that he had agreed to the Amendment with the proposed alterations as a concession. He was bound to say that the proposed alterations reduced the concession to extremely narrow limits, because it would be the invariable experience that, if a landlord had made a permanent improvement on his property, and if, in addition to proving that he had made those improvements, he had to prove he had sub-

stantially maintained them, there would be very little protection to English-managed estates.

MR. H. R. BRAND said, that, as he understood the Lords' Amendment, it would possibly take effect after a sale. He wished, therefore, to ask the Government whether it would not be necessary further to amend the clause by excluding a case where the tenant might have purchased the improvements of the landlord under the 8th sub-section of the 1st clause?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, the suggestion was well founded, and that the Amendment would require the addition of other words, these being "made or acquired."

Amendments to said Amendment agreed to.

On Motion of MR. GLADSTONE, said Amendment *further amended*, by inserting in line 8, after the word "not," the words "made or acquired."

Motion made, and Question proposed, "That this House doth agree with The Lords in the said Amendment as amended."—(Mr. Gladstone.)

MR. PARNELL moved to insert, at the end of the said Amendment, these words—

"Provided, That in the opinion of the Court the landlord shall not have been compensated for such improvements by increase of rent or otherwise."

That, he thought, was a reasonable proposition. The Lords' Amendment was based on the supposition that the landlord had made the improvement, that the landlord, therefore, owned the improvement, and that the tenant did not own it. But if the tenant had paid for the improvement, in the opinion of the Court, by increased rent or otherwise in such a way as to disentitle the landlord to the full benefit of the Amendment, he thought it was a matter the Court should be entitled to take into account if it was desirous to do so.

Amendment proposed,

At the end of the said Amendment, as amended, to insert the words "and Provided, That in the opinion of the Court the landlord shall not have been compensated for such improvements by increased rent or otherwise."—(Mr. Parnell.)

Question proposed, "That those words be there inserted."

Mr. Parnell

SIR STAFFORD NORTHCOTE said, the Amendments which had been already made to the Lords' Amendment had, as his right hon. and learned Friend (Mr. Gibson) pointed out, very materially reduced the value of the provision, and if they were to adopt the words which were suggested by the hon. Member for the City of Cork (Mr. Parnell) he (Sir Stafford Northcote) thought the value of the provision would be destroyed altogether. In point of fact, they would be thrown back upon the uncertainty which existed previously with regard to that particular clause. The uncertainty was admitted before, and should not be revived now that it had been removed. The proposition in the Amendment as it stood was to save the uncertainties which might attend the operations of the Court in regard to a certain class of holdings, which were a comparatively rare number, but which were of an important character. In order to provide for those cases, it was provided, not that the question should be decided by the Court taking evidence and treating the whole matter as an open question, but upon the principle that the landlord's objection should be conclusive in case of his having made and maintained certain improvements. He presumed that one of the great objects aimed at by the Proviso was that an inducement should be given to the landlord to make and maintain his improvements, in order that he might stand in the better position he would in that event occupy under the Bill. He trusted the Government would not accept the words now proposed.

MR. GLADSTONE : I am obliged to decline the proposed addition of the words of the hon. Member for the City of Cork (Mr. Parnell) on this ground—In the Act of 1870 we did, in respect to the tenant, recognize the principle that he might be compensated by a reasonable lapse of time in respect of improvements he had made, and that the use and profit of those improvements for a certain time might be considered as compensation ; but we do not recognize that principle in the present Act. None of the enactments of the present Bill are founded on that principle ; and, not acknowledging it as respects the tenant, I do not think it would be quite equitable in our view that we should acknowledge it as respects the landlord. It is also

difficult to see how the landlord could receive compensation for his improvements in the shape of rent under the system which the Bill will establish ; because, under the Bill, every tenant will be entitled to obtain from the Court the adjudication of a fair rent. Now, fair rent upon improvements would be a rent, undoubtedly, allowing liberally for the interest upon the cost of those improvements ; but it would hardly be a rent which would repay the landlord in respect of his whole capital outlay. But the main ground on which I should stand is, that we do not introduce that principle of compensation by engagement for a certain length of time, either as regards landlord or tenant. It is much better, I think, that those who make improvements should have the whole benefit of the improvements.

MR. HEALY said, it was a somewhat remarkable thing that the Government were unable to recognize the equitable principle of the Amendment of his hon. Friend (Mr. Parnell). If that principle was inequitable, why did not the Government bring in a clause in the present Bill to repeal the principle in the Act of 1870 ? The principle was in that Act, and his hon. Friend simply proposed to import it into the present Bill and apply it to the landlord. But the Government did not think what was sauce for the gander was also sauce for the goose. He had never heard such a piece of special pleading as that they had just heard from the Prime Minister in refusing the Amendment of his hon. Friend. ["Oh, oh!"] They knew what this would lead to. That refusal would lead to a great deal of dissatisfaction in future. It seemed, however, that the Government had made up their minds not to settle the Land Question in Ireland, but to pass their Bill. They were prepared to swallow as many of the Amendments of the Lords as they thought the House would stomach, and send the Bill back to the Lords with the wheels greased by that acceptance, and thus pass the Bill anyhow. By giving way to the Lords' Amendment in this respect, however, they were only laying up a store of uneasiness for themselves at a future time. He had hoped they had learnt a lesson, for they should have remembered what was the result of the acceptance of the Lords' Amendments to the Act of 1870. He and his

[First Night.]

hon. Friends who acted with him would on those grounds go to a division, not merely upon that Amendment, but as against the clause as amended by the Government.

Mr. LEAMY said, he was afraid there were many hon. Members willing to accept the Lords' Amendment, because they thought it would not affect many tenants. He, however, thought it would affect a great many tenancies in which the tenancy had been broken by eviction or other causes within recent years. It would enable the landlord, in every case in which he had made any substantial improvements on a holding, to refuse to allow the tenant to sell at all. It would also very much, he was afraid, operate in the case of death intestacy. In case a tenant died intestate, the landlord would be entitled under the section to come in and refuse to accept the son of the deceased tenant, or, in fact, anyone belonging to his family. When a man died it was also uncertain under the section whether the landlord would allow the farm to go to the next of kin.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that the apprehensions of the hon. Gentleman (Mr. Leamy) were entirely without foundation. If there were no permanent improvements on the farm to the landlord's credit, then he would have none. With reference to the arguments of the hon. Member for the City of Cork (Mr. Parnell), he contended that it was impossible to suppose that the landlord's property was to be bought out by the rent. He could not see, for instance, how a landlord who had built a house on the land could be said to have been compensated for it by the rent which he fairly received for the use of it; and so, also, with other improvements.

Mr. T. D. SULLIVAN quite agreed with the view that substantial and permanent improvements made on the land by either landlord or tenant should be the property of the landlord or tenant for all time, provided he has not paid them. But when the landlord imposed an increased rent, the question was whether the landlord was not in the course of a certain time thoroughly compensated. He maintained that the landlord sold his improvements when he charged an increased rent; for he was really paid for them in the course of a few years,

and they should then become the property of the tenant. If a tenant built a house, why should he not be allowed to sell it? It was the same with the landlord. There was no necessity to assent to the Amendment which the Government proposed to accept. It need not be assented to by any hon. Member in the House, for it was utterly unjust.

Mr. MITCHELL HENRY said, he hoped a division would be taken against the clause, and not upon the Amendment, as he would willingly vote against the clause, but could not assent to what had been moved by the hon. Member for the City of Cork (Mr. Parnell). Would anyone, he asked, tell him in how many years a landlord would be compensated for having expended, say £1,000, on a farm building on which he was receiving 6 per cent interest? The case was exactly the same as that of money being invested in the funds and earning good interest; and no one could say that in such investment the State ought, after a certain number of years, to become possessed of the capital of the investor.

Mr. MACARTNEY said, that no landlord would be recouped in any reasonable number of years for the capital invested in improvements at 4 or 5 per cent.

Mr. MARUM protested against the assumption that there were many English-managed estates in Ireland. Therefore, he did not believe that, practically, any Irish tenancies would be affected by the Amendment; but he could not help thinking it was inserted as a hole of escape in case of the consideration of an English Land Bill.

Mr. PARNELL said, that as it did not seem to be the opinion of hon. Gentlemen opposite that two divisions should be taken, he should allow the Amendment to be negatived. He would, however, raise a strong protest in the matter.

Question put, and *negatived*.

Original Question proposed.

Mr. PARNELL said, he regretted exceedingly that the Government, at the very threshold of the consideration of the Lords' Amendments, should have yielded on that important matter. The number of holdings that would be affected by the proposed Amendment might seem to some hon. Members to

Mr. Hooley

be very limited; but it was not so. In every case where the title of the tenant had been recently broken, and a new tenancy was created, all the past improvements effected by the original tenant would be shut out from consideration by the Court, and the Court would have to refuse to allow such a tenant to sell his tenant right. That discretion was taken away from the Court. The number of tenants' titles that had been so broken through in Ireland was very numerous, and he believed only a small minority could prove the continuity of their titles. A great deal of the power of the Court with reference to the free sale would be taken away. The Amendment would have a large and extensive application, and would shut out a number of the very best tenants in Ireland. Many titles had been broken about 1850, and if the landlord could show that a farm which had been greatly improved by the tenant up to 1850 had not been much improved by the tenant since the breach of title, and that the landlord had effected some single improvement on the farm himself, the Court would have to forbid the tenant exercising his right of free sale.

MR. GLADSTONE said, it was not necessary for him to follow the hon. Gentleman the Member for the City of Cork (Mr. Parnell) into the merits of the Amendment; for, after all, he believed there was not much real difference of opinion between them. The Amendment had no real connection with breaches of tenancy at all, and he should be sorry if the idea went forth as having the authority of the House that wherever there had been a breach in the tenancy the Court would have to consider the making of permanent improvements only from the date of the last breach. That would give the Amendment quite a different character from that which it rightly bore, and he wished to disabuse the House of the idea. In the view of the Government, the Amendment had no connection with breaches of tenancy at all. Whenever there was a breach of tenancy, it would be necessary for the landlord to show that he had maintained the permanent improvements. [MR. PARNELL: Since the breach?] No, not at all—whatever improvements were on the farm.

MR. HEALY said, that the Amendment possessed one great advantage, in

that it would, by its operation, affect a substantial body of tenants, the higher class tenant farmers, who were not supposed now to be in sympathy with the Land League, and it was likely to have important results in the future, as it would show them the complete impossibility of that House, or the other House, or the present Government ever doing them anything like justice.

Question put.

The House divided: — Ayes 258; Noes 100: Majority 158.—(Div. List, No. 361.)

Line 16, after ("improvements"), insert ("on a holding"), the next Amendment, *agreed to*.

Lines 16 and 17, leave out ("on a holding") and insert ("or paid for"), the next Amendment, *agreed to* as far as leaving out the words "on a holding;" but *disagreed to* as regards inserting "or paid for."

Page 2, line 28, after the word "tenancy," insert the words—

"Where before the passing of this Act the landlord or any of his predecessors in title has purchased or acquired the Ulster tenant right custom, or the benefit of a usage corresponding to the Ulster tenant right custom, to which any holding was subject, and such holding has, in pursuance of section one or section two of 'The Landlord and Tenant (Ireland) Act, 1870,' ceased to be subject to such custom or usage; or

"Where before the passing of this Act the landlord or any of his predecessors in title has purchased or acquired the right of sale of the tenant's interest in such holding, and where the tenant or any of his predecessors in title have been paid the consideration for such purchase or acquisition either by payment of a sum of money, or by a corresponding abatement of rent, or where the tenant or any of his predecessors since such purchase or acquisition is or are not proved to have paid money or given money's worth, with the express or implied consent of the landlord or any of his predecessors in title, on account of becoming the tenant of such holding; and

"The tenancy in such holding is sold for the first time after the passing of this Act, the landlord shall be entitled to apply to the Court to have paid to him out of the purchase moneys of the tenancy the sum which he can prove to the satisfaction of the Court to have been paid by him or his predecessors in title by way of consideration for the purchase or acquisition of the Ulster tenant right custom, or of the benefit of such usage, or of any right of sale of the tenant's interest in such holding; subject nevertheless to any deduction which the Court may deem just in respect of any money received by the landlord or his predecessors in title by way

of fine, increased rent, or otherwise on account of the sum so paid as aforesaid,"

—the next Amendment, read a second time.

MR. GLADSTONE: Sir, this is an Amendment of considerable sweep, and it is one which it is quite impossible for us to ask the House to agree with. I am bound to say that I think it is, unfortunately, framed for the purpose of giving effect to the views of those who supported it. There are verbal inaccuracies in it which are gross, and it requires to be altered very considerably in order to make it intelligible. That, however, is only a grammatical criticism; the purpose of the Amendment is perfectly clear quite independent of these inaccuracies. I will not, in order to briefly describe it, go back upon the lengthy argument we had in Committee on the question of the cases where the landlord had purchased up the Ulster tenant right, and where, in consequence of that purchase, the tenant was re-mitted to the general law as defined by the Act of 1870, or as expanded and enlarged by the Bill now under consideration which we sent to the House of Lords a short time ago. I will assume that that argument is fresh in the recollection of the House. I will, however, point out how it is that the Amendment proposes to deal with the case. It aims at embracing all the cases in which the landlord has acquired by purchase the tenant right, admitted or supposed to exist upon his farms, either under the Ulster Custom, or under any custom analogous to the Ulster Custom; or anywhere, in fact, where such transaction has taken place. How does it propose to deal with the tenants in these cases? It deals with them in this way. It makes a certain provision applying to the first occasion on which the tenancy shall be sold after the passing of this Act; and it provides that, on that occasion, the landlord may recoup himself, out of the purchase money of the tenancy, any sum which he may prove to the satisfaction of the Court that he has paid in respect of the tenant right upon that holding. Now, Sir, without entering into the general argument, it is sufficient for my purpose to mention the one, as we think, absolutely fundamental and conclusive objection to this transaction.

The argument is this—that even supposing—which I admit only for argument's sake, and by no means as a proposition by which I abide—even supposing the landlord entitled to compensation, he is to be compensated under the Amendment by the wrong man. The landlord has paid a sum of money to tenant A in order to purchase the tenant right upon his holding. He then lets it to tenant B, who, by the terms of this agreement, shall have acquired no benefit whatever from the purchase, by the landlord. According to the terms of the Amendment tenant B takes no benefit whatever from the transaction; and yet it is provided that when tenant B, under the general provisions of the Bill, proceeds, for the first time, to sell his tenant right, the landlord may recoup himself out of moneys paid to tenant B for the price paid to tenant A, there being no continuity of interest between them, and it not being required by the same Amendment that tenant B shall have taken the smallest interest from the transaction. Under these circumstances, as there is no possibility of amending it, there can be no question that the Amendment ought not to be accepted, and I must ask the House to disagree to it entirely.

MR. GIBSON said, that he had heard the statement of the Prime Minister, that the Government could not assent to the Amendment, even with alterations, with regret. The Amendment was obviously one of importance, and it was one of substance; but it did not interfere in the slightest degree with the main provisions of the Bill. The Amendment sought to grapple with a state of facts which, if left unamended and unchanged, might work an injustice to a substantial class of landholders in Ireland—to be found in Ulster and in other parts of Ireland. They all knew that some landowners in Ulster had given considerable sums of money to purchase up the tenant right custom. If the clause was left as it was in the Bill as it left that House, and if those cases were not in some way dealt with by some special legislation, they would have put themselves in a distinctly worse position by buying up the tenant right. These unfortunate persons would not only lose what other Irish landlords would lose, but would also lose the sums they had expended in the purchase of

the tenant right. If there were verbal inaccuracies the Prime Minister could easily remedy them, for no one was more capable to do so; and there were other hon. Members of the House who had paid particular attention to grammar. Whether the Amendment dealt with the subject in the best way was another thing, and might be well open to question; but surely such facts called for some special legislation and special treatment. He knew of a case where a landlord had paid £16,000 for the tenants' interest in the hope of getting the control over the sales of his farms, and the future tenants of the farms freed from that form of tenant right. Unless the Amendment was agreed to, that money would have been thrown away; and that landlord under the Bill would be, to say the least, in a position highly inequitable and very exceptional. Surely in that and similar cases the landlords were entitled to some relief, even if not the precise relief afforded by the clause as it stood. How did the Amendment propose to deal with the existing state of facts? It did not allow the landlord to keep his claim suspended over the tenant's head for ever. On the contrary, it compelled him to act almost immediately the Act had passed, and to substantiate it on the first sale of the tenant right; and it did not allow him to receive compensation, unless he could satisfy the Court that he or his predecessors in title had, as a matter of fact, made these money payments, and that they had not been repaid, by increase of rent or any other way. He must repeat his regret at the decision of the Government, and ask as many who agreed with him to enter a protest against the unreasonable attitude of the Government in declining to accept the Amendment in any shape or form.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW), in moving to disagree with the Amendment, said, that in the £16,000 case referred to by his right hon. and learned Friend opposite (Mr. Gibson), and which was well known to him (the Attorney General for Ireland), the object of the landlord buying up the tenancy was for the express purpose of preventing the outgoing tenant having any dealings with the incoming tenant, so that there should

be no transmission of interest from the one to the other. If that landlord was a wise man he had got something for his purchase, and if he had not charged an increased rent he could do so under the Bill. But why, because the landlord might have made an improvident purchase from A, should he go to B when he sold his tenant right and say — "Come, now, pay me back what I gave for the tenant right?" Why on earth should that be? Why should the landlord be indemnified for a foolish bargain, by the incoming tenant, who might never even have seen his predecessor, and, at all events, got nothing from him?

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendment." — (Mr. Attorney General for Ireland.)

MR. BRAND said, he should follow the Government into the lobby, because he thought the Amendment dealt with the case in a most unjust way. As the right hon. and learned Gentleman the Attorney General for Ireland had said, if the landlord paid an unfair price for the tenant right, it was monstrous that he should be able to call on the present tenant to pay him again.

CAPTAIN AYLMER said, the right hon. and learned Gentleman the Attorney General for Ireland forgot that it was left to the Court to say what the landlord was to have. ["No, no!"] He (Captain Aylmer) maintained that the right hon. and learned Gentleman was not acting equitably. It seemed to him (Captain Aylmer) that the incoming tenant was the right person to pay, because, if by the Act he got the right to sell, surely he had the right to pay the money. The Bill, moreover, gave him fixity of tenure for 15 years. He was very sorry the Government would not accept the Amendment, because it would have the effect of removing that damning word "confiscation," which was partly applicable to the Bill as it left the House. He thought the matter ought to be left entirely in the hands of the Court, and that the landlords ought to be left in a position to bring in question the amount which had been paid by the outgoing tenants, subject, of course, to the deductions which might be deemed just, having reference to increased rent.

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MR. NEWDEGATE: Sir, the issue of this Bill is at length clear. The Party which used to be the Party of Progress has become extensively retrograde. The principle of this Land Bill, it is now clear, is the establishment of feudalism in Ireland. This principle is not absolutely new among the Liberal Party; for it was contemplated and indicated in this House by the late Mr. John Stuart Mill, and was probably the fruit of his Indian training. What is this principle of compensation for disturbance? It is recognizing in the tenant what the hon. Member for the City of Cork (Mr. Parnell) has just described as a title, a valuable interest in the land, which is to be saleable, totally apart from all interests in improvements which he may have made upon his holding, for his interest in these improvements has been otherwise recognized and dealt with. That which the House is now dealing with is an interest supposed to exist in the tenant, arising out of the mere fact of occupation apart from all improvements. This Bill will convert all that is now freehold in the ownership of Irish land into copyhold, and that is a feudal tenure; but apart, as you propose to create it, from all obligation to military service. You Liberals are in the habit of taunting me with being antiquated in my opinions. My principles are modern, compared with those on which you Liberals are now acting, for you have gone back 200 years to find the system you have now adopted. Feudal tenures were abolished in this country by the 12 *Charles II.*; you are reversing the principle of that Act, yet you still call yourselves the Party of Progress.

SIR WALTER B. BARTTELOT felt that a very monstrous and gross injustice would be perpetrated on the landlords of Ireland if the Amendment were not passed, because the Bill would enable the tenant to sell that which he had already been paid for. ["Oh, oh!"] It was no use mincing matters. With regard to the question, he would ask the right hon. and learned Gentleman the Attorney General for Ireland whether the landlords of Ulster had not purchased the tenant right of tenants mainly and principally in their interest? It would, therefore, be an act of gross injustice to the landlord to deprive him of the tenant right, after having paid hard cash for it.

MR. FITZPATRICK said, that the system of allowing landlords to buy out the tenants was a new one; and he regretted that the Government could not accept the Amendment in some shape or other, and thus endeavour to do justice to the landlords of Ireland. In his idea, Parliament ought to give all the encouragement possible to that class of landlords who had done their best to make prosperous the country in which they lived.

MR. WARTON (speaking amid great interruption) said, the fallacy which underlay the argument of the right hon. and learned Gentleman the Attorney General for Ireland was that the landlord had paid a preposterous price for the tenant right. He (Mr. Warton) need not remind so distinguished a lawyer that men, as a rule, acted more reasonably than that; but even if they paid a fair price efforts were made to take their property away.

LORD GEORGE HAMILTON said, he was sorry to intervene between the House and the division; but the House was asked to perform an act of such gross and glaring injustice, an act supported by arguments so disingenuous as those which had come from the Front Bench, that he could not keep silent. The right hon. and learned Gentleman the Attorney General for Ireland put a case where a landlord had bought up the tenant right, and assumed that in consequence he charged an increased rent. The right hon. and learned Gentleman assumed that he had given a preposterous price for it, which he made the tenant recoup him in addition to the rent put on, although he knew perfectly well that at the end of the clause were the words—"But whatever sum the landlord may be entitled to is to be subject to deduction for any money which he receives by way of fine or increased rent." If the landlord had received compensation by way of increased rent, how could the right hon. and learned Attorney General for Ireland say that, under this clause, he had a right, in addition, to ask for all the sum he had paid? Suppose two tenants came into two tenancies, side by side; in the one, tenant right existed, and the incoming tenant paid £500 for the right; in the other, the tenant right had been acquired and bought up by the landlord, he (Lord George Hamilton) would assume,

for the same sum, £500. It was now proposed that the man who had paid absolutely nothing for the tenant right should be able to sell the tenant right in exactly the same way as the man who had paid £500 for it. ["No, no!"] That was what the Government proposed, and he defied anyone to contradict him. The Prime Minister had admitted it, and had altered Clause 7 in consequence of that admission. If you divide the interest on any holding between the tenant right and rent, the tenant right and the rent combined would exceed the value of the holding—that is, it would exceed the amount any tenant would pay in the shape of rent; and now the Government said that when the landlord had both interests, though he could not compensate himself in the shape of increased rent, he was to be mulcted of that which they had previously encouraged him to obtain. The Prime Minister, on the occasion of moving the second reading of the Bill, had made an eloquent peroration, in which he had said that he was walking by the light of justice, and that, therefore, he could not go astray; but he (Lord George Hamilton) wished they heard a little less of it in his words and saw a little more of it in his acts.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, if the noble Lord the Member for Middlesex (Lord George Hamilton) would read the clause carefully, and reflect a little, he would see that although there was a possible injustice in some few cases to the landlords if the Amendment were not accepted, there was a certain and greater injustice to the tenant if it were. The Ulster tenant right consisted of a number of elements of which the improvements made was one. Let them suppose that the tenant whose tenant right was purchased had made a large number of improvements; in that case it was obvious that for the tenant right he would get a considerable sum of money. Suppose that the price the landlord paid for the tenant right was £1,000, the rent of the holding being £100 a-year. All the improvements became the landlords. The incoming tenant had no further claim to these improvements. The landlord let to a new tenant, say at a rent of £150 a-year, which was supposed to be a fair rent, and the rent which would be fixed by the Court. The

Court, in fixing the rent at that sum, would take into consideration the fact that the landlord was the sole person who had made the improvements, and that the tenant had nothing but the bare right of occupancy. The tenant proceeded to sell his tenancy next year, having paid £150 rent for a single year. Of course, all that the landlord had received, and all that it was right to deduct, was £50, so the £950, according to the clause, still remained due to the landlord out of the purchase money. But what had the tenant to sell? He had got to sell the tenancy only, with the rent fixed at £150 a-year, because the landlord had purchased up the improvements. Suppose the tenant sold for £300, whatever he got was to go to the landlord, and the landlord was to be entitled to every bit of it. Even although the tenant sold for £300 or £400, because he had made improvements, the whole of the money which he received for his improvements was to go to the landlord in payment of £950. That was the proposal of this clause. ["No, no!"] He (the Solicitor General) said that was the proposal of the clause, and that was the proposal they were asked to accept in the solemn name of justice.

Question put.

The House *divided*:—Ayes 272; Noes 145: Majority 127.—(Div. List, No. 362.)

On Motion of Mr. GLADSTONE, the next Amendment, in page 2, line 34, after ("tenancy,") to insert—

("Or for moneys payable to the landlord under the preceding sub-section in respect of the purchase or acquisition by the landlord or his predecessors in title of the Ulster tenant right custom or the benefit of such usage, or of any right of sale of the tenant's interest in such holding,")

—*agreed to*.

Page 3, line 30, after the word "usage," insert the words—

"(15.) Where a sale of a tenancy is made under a judgment or other process of law against the tenant, or for the payment of the debts of the deceased tenant, the sale shall be deemed to be made by the tenant, and shall be made in the prescribed manner, subject to the conditions of this section, so far as the same are applicable.

"(16.) Any sum payable to the landlord out of the purchase moneys of the tenancy under this section shall be a first charge upon the purchase moneys.

"(17.) A landlord, on receiving notice of an intended sale of the tenancy may, if he is

not desirous of purchasing the tenancy otherwise than as a means of securing the payment of any sums due to him for arrears of rent or other breaches of the contract or conditions of tenancy, give notice within the prescribed time of the sum claimed by him in respect of such arrears and breaches, such sum failing agreement between the landlord and tenant to be determined by the Court, and should the tenant determine to proceed with the sale may claim to purchase the tenancy for such sum, if no purchaser is found to give the same or a greater sum; and the landlord, if no purchaser be found within the prescribed time to give the same or a greater sum, shall be adjudged the purchaser of the tenancy at that sum,"

—the next Amendment, read a second time.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, though the Government did not see the necessity for the Amendment, they would ask the House to accept it, subject to the omission of the words "shall be deemed to be made by the tenant," which would enable the Court to meet a difficulty of procedure which occurred to him. He would move the omission of these words accordingly. The effect would be that the sale should be made simply in the prescribed manner subject to the conditions of the section. That would enable the Court to make rules to carry out the provision of the section, so far as might be, in conformity with the ordinary legal system.

Amendment proposed to said Amendment, in line 3, to leave out the words "shall be deemed to be made by the tenant." — (Mr. Attorney General for Ireland.)

Question proposed, "That the words proposed to be left out stand part of the said Amendment."

MR. HEALY said, he did not see how the conditions prescribed in the 1st clause could be complied with. Who was to give all the notices that were to be prescribed, because they could hardly expect the sheriff to do so, and it would not be to the interest of the tenant to do so?

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) replied, that the matter would have to be settled by the Court.

MR. LEAMY asked if, under the Amendment, a landlord not instituting

proceedings to eject a tenant for non-payment, could proceed against him by way of summons; and, also, if he would have the right of pre-emption where he proceeded by writ of summons against the tenant for the recovery of his rent?

VISCOUNT FOLKESTONE asked whether, after the landlord had become the purchaser of the tenant right, and a new tenant had been put upon the farm, the new tenant would be enabled to sell the tenant right of the farm which the landlord had been adjudged to have bought?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): I cannot speak again.

MR. W. E. FORSTER: Yes, Sir; he would be able to sell his interest, whatever it is.

MR. PARNELL thought it would be desirable to have an answer to the question which had been put to the Government by an hon. Member sitting on his side of the House (Mr. Leamy), as to whether the effect of the Amendment would be to take the sale out of the category of sales made by the tenant, and, if so, under what class of sales it would come; and, further, whether the landlord would have the right of pre-emption or not under Clause 1?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) rose to answer the question, but—

VISCOUNT FOLKESTONE rose to a point of Order, demanding of the Speaker whether the right hon. and learned Gentleman could answer these questions, after having refused to reply to a question put by him (Viscount Folkestone)?

MR. O'KELLY: For the purpose of enabling the right hon. and learned Gentleman—"Order, order!"

MR. SPEAKER: I have to point out that it is customary to allow considerable latitude in answering questions to a right hon. Member having charge of a Bill.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the matter would be remitted by the clause to the Court to prescribe the rules. His belief was that the Court would not rule that any right of pre-emption existed for the landlord.

Question put, and agreed to: words struck out accordingly.

Motion made, and Question proposed, "That this House doth agree with The Lords in the said Amendment, as amended."—(*Mr. Attorney General for Ireland.*)

MR. HEALY said, this sub-section (15) had been put in at the instance of Lord Cairns. Under the Amendment, the landlord could not only exercise his right of pre-emption and evade the sale, but could have the sale take place 10 times over.

Question put.

MR. PARNELL asked whether sub-sections 16 and 17 were before the House at present, or only sub-section 15?

MR. SPEAKER said, that sub-sections 15, 16, and 17 were before the House.

MR. PARNELL wished to move the omission of sub-section 16.

MR. SPEAKER said, it was too late to do so, the Question having been put. The House had now to decide on sub-sections 15, 16, and 17 together. The one could not be isolated from the others.

MR. HEALY rose to a point of Order. Hon. Members in his part of the House thought the Question before the House was sub-section 15, and were not aware that the other sub-sections were put. He asked whether the Amendment could not be amended?

MR. SPEAKER said, the sub-sections were dealt with, and one of them had been amended. It was not in Order now to move to omit any particular sub-section, as he had put the Question that the House agree with the Lords' Amendment, as amended.

MR. PARNELL said, he was sorry to learn it was now too late to move the omission of sub-section 16, and a part of sub-section 17, for he believed he could have induced the House to refuse to agree to that sub-section. He should be obliged, in consequence, to take a division against the whole of the Amendment. Sub-section 16, which provided that any sum payable to the landlord out of the purchase moneys of the tenancy under the section should be a first charge upon the purchase moneys, gave an entirely new right of a valuable character to the landlord. It gave the landlord a preferential claim against the tenant, and that, he submitted, was a

most unfair provision. He could either proceed by ejectment for non-payment, or he could compel the tenant to sell his interest in the holding. The landlord thus had a preferential claim for the whole of his rent, and was exceptionally protected over other creditors as regarded one year's rent. Up to the present time the landlord had no such preferential claim. Some valid reason should be given by the Government for affording landlords this double chance. He thought that the Government had not acted fairly in agreeing to the Amendment on such slight examination, and that they ought to have given some strong reasons for the course they had taken in the matter.

MR. RYLANDS said, he also regretted very much that, owing to the form in which the Amendment was before the House, they could not deal with this 16th sub-section. As that sub-section stood, it might work such a gross injustice to the creditors of tenants in Ireland that he could not vote for the Amendment. It might so happen that when a permanent improvement was made, the landlord might come and sweep in the whole of the money. It was quite plain, and if any person chanced to visit the earth from another sphere, he would see at once that these Amendments had been made by a House of Landowners. He should certainly vote with the hon. Member for the City of Cork (Mr. Parnell).

MR. DAWSON said, he was surprised that this matter should have escaped the attention of the Government, for the question, which was closely allied to the Law of Distress, had already been discussed. It was a very retrograde step for that House to take. It was now impossible for them to retrieve their error.

MR. GIBSON said, he wished to point out to hon. Members that those sub-sections only applied when there was a sale of the actual tenancy on which the rent accrued, and it would be absurd, he thought, when the tenancy was sold, not to make some provision that the rent should be paid out of the proceeds.

The House divided :—Ayes 347 ; Noes 87 : Majority 260.—(Div. List, No. 363.)

Insert Clause A (Prohibition of subdividing and sub-letting), the next Amendment, read a second time.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the proposed clause ran as follows:—

"The tenant from year to year of a tenancy to which this Act applies shall not, without the consent of the landlord in writing, sub-divide his holding, or sub-let the same or any part thereof. Any act done by the tenant in contravention of this provision shall be absolutely void."

By the Bill, as it stood, a tenant from year to year was prohibited during a statutory term from sub-letting or sub-dividing without the consent of the landlord; but if the same tenant had no statutory term, there was no prohibition or direction as to whether he might sub-let or not. The difficulty was one which chiefly affected the tenant, having regard to the frame of the Bill. As hon. Members were aware, the only tenant who was a tenant within the meaning of the Bill was a tenant in occupation of his holding, and the necessary result of that was that if the tenant was tempted to sub-let, even although he broke no statutory condition, because none existed, he would at once put himself outside the scope of the Bill. Therefore, it was of enormous importance to the tenants that their obligations in respect of sub-letting should be made uniformly applicable, and that they should know that if they did these acts they put themselves entirely outside the Bill, and rendered themselves incapable of going to the Court to have a fair rent fixed. The clause proposed was, therefore, inserted so as to warn the tenants, and render it impossible that they should damage themselves by sub-letting or sub-division. The Government, however, proposed to omit the last sentence of the clause added in the House of Lords, declaring that any act done in contravention of this provision should be absolutely void, because it was unnecessary, as an illegal act was necessarily void, and to insert words providing that letting on *conacre*, *agistment*, or temporary pasturage should not be deemed a sub-letting within the meaning of the Act.

Amendment proposed to said Amendment, to leave out, at end, the words—

"Any act done by the tenant in contravention of this provision shall be absolutely void," and insert "*agistment* or the letting of land for the purpose of temporary depasturage, or the letting in *conacre* of land for the purpose of its being solely used, and which shall be solely used, for the growing of potatoes or other green crops,

the land being properly manured, shall not be deemed a sub-letting for the purposes of this Act."

MR. HEALY said, after the statement by the Government that they thought it desirable for the protection of the tenants that this sub-letting provision should be inserted, it would be useless for the Irish Members to raise any objection; but it was one of the extraordinary things about the Bill that what they gave with one hand they took away with the other. The Bill was one of the most ingenious legislative instruments ever produced by Parliament. They were told that to give a tenant the benefit of this Bill they must take away the right he at present possessed—the right of sub-letting. ["No, no!"] The House, by repealing the 13th section of the Act of 1870, took away the power of the landlord to veto the right of assignment; but they now proposed to neutralize that by taking away the power of sub-letting. He considered it a most unfortunate thing that the Government found it necessary to insert the clause.

MR. LEAMY said, one of the objections to the Amendment was that it would prevent a tenant building a labourer's cottage and attaching it to a piece of land. He must, however, say candidly that, with that exception, he had no objection to see the power of sub-letting taken away.

CAPTAIN AYLMER said, he thought the words inserted by the Lords at the end of the clause were quite necessary, and that the noble Lord who proposed them knew more of the state of things in Ireland than the right hon. and learned Gentleman the Attorney General for Ireland. Seeing how difficult it was to turn out an Irish squatter, he was not sure that the far wiser plan would not be to put it on record that any act done in contravention of the provision would be regarded as absolutely void.

MR. PARNELL thought the Government might make some qualification of the proposed Amendment, which would give to the tenant under the Act of 1870 the right which the repeal of the 13th section gave him—namely, the right of sub-division by assignment to more than one person. The result of the present proposal was that the Government took away, by the clause, the right which they had previously given the tenant,

Would it not be fairer, he asked, to modify that clause so as to secure him against danger, and leave to him his right of sub-letting, and at the same time giving him the right of applying to the Court to fix a judicial rent and a statutory term?

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) pointed out that the hon. Member (Mr. Parnell) was under a misapprehension, because assignment was one thing and sub-letting and sub-division another. The 13th section of the Land Act of 1870 dealt only with assignment, and it provided, in the case of assignment without the consent of the landlord, that there should be no compensation for disturbance. But the provision they were now considering dealt only with the case of sub-letting or sub-division, and what the Government had done in framing the clause was entirely consistent with the provisions of the Land Act.

MR. DAWSON hoped that the Amendment would not interfere with the right of occupiers to let land for labourers' dwellings.

Amendment agreed to; words inserted accordingly.

Said Amendment, as amended, *agreed to.*

Amendments as far as Amendment in page 5, line 15, read a second time.

On Motion of Mr. ATTORNEY GENERAL for IRELAND, the first five *agreed to*, as follows:—In page 3, line 37, leave out from ("intestate") to ("then") in line 39; in line 40, leave out ("next of kin"), and insert ("persons entitled under the Statutes of Distribution to his personal estate"); in page 4, line 2, leave out ("his"), and insert ("the"); in lines 7 and 8, leave out ("next of kin"), and insert ("leaving any person entitled to his personal estate or any part thereof"); and in line 9, leave out from ("tenant") to the end of the clause.

On Motion of Mr. ATTORNEY GENERAL for IRELAND, in page 4, line 25, after ("tenancy") insert ("after giving to the landlord the prescribed notice"); and in page 5, line 10, leave out from ("soil") to the end of the paragraph; the remaining Amendments *disagreed to.*

Page 5, line 15, leave out the words "subdivide or sublet his holding," and insert the words—

"In writing, subdivide his holding or sublet the same, or any part thereof, or erect or suffer to be erected thereon, save as in this Act provided, any dwelling-house, in addition to those already upon the holding at the time of the passing of this Act, nor suffer to be used as a dwelling-house any building which, at the time of the passing of this Act, was not so used, with the knowledge and consent of the landlord,"

—the next Amendment, read a second time.

MR. GLADSTONE said, the Government did not think the Amendment could be assented to as it stood, although at the same time it had a reasonable purpose in it. The multiplication of dwelling-houses on a holding was not an act fairly within the province of the tenant, and might prove very injurious to the holding. He divided, however, the Amendment into two parts, that which related to the erection of any new dwelling-houses; and, secondly, that which related to the use of any building for the purposes of habitation which at the time of the passing of the Act was not so used. With regard to the first, the Government thought that the words were objectionable on the grounds of ambiguity. He need hardly say that the Government were quite opposed to the multiplication of dwelling-houses on a holding; but it was quite evident that in some parts of the country it would be a common and very useful thing that where a tenant had gone upon the holding, living in a poor hut not well situated for the purposes of a dwelling-house, it might happen that, improving in his circumstances and means, he would erect a decent dwelling-house, and cease to occupy that hut as a dwelling-house, and convert it into an out-house. It would be, he thought, a great pity to allow any words to go into the Bill to discourage that proceeding. He therefore proposed to strike out the words standing in the Amendment, "in addition to," for the purpose of inserting "otherwise than in substitution for." That, he thought, would prevent the arbitrary multiplication of dwelling-houses. With regard to the second part of the Amendment, the Government proposed to omit it altogether, because, after all, how did the case stand? They had still a large portion of the population of Ireland very indifferently lodged. The man occupied a small hut, which was tolerable for himself and wife; but, as his children multiplied, he might require additional accommodation which might

be enough for him, however poor, and he might add to the comfort of his family by occupying some out-buildings attached to the house. Or, again, he was not prepared to say that if a daughter or son of the man married, it should be absolutely forbidden to him by the law to find accommodation for them on the holding, when, by adapting some building which might possibly be on the holding, and not required for any other purpose, this could be done. The Government, however, proposed to concede to the House of Lords and hon. Gentlemen opposite the proposal that the permission to sub-let or sub-divide should be a permission in writing.

Amendment proposed to said Amendment, in line 5, to leave out the words "in addition to," and insert "otherwise than in substitution for."—(*Mr. Gladstone.*)

MR. T. P. O'CONNOR said, he objected to the Amendment altogether, and considered it was a monstrous interference on the part of the Government with the rights and comforts of the Irish peasants. It was based upon that peddling and intrusive action of the landlords which should be put a stop to rather than encouraged, and the Amendment ought to be rejected altogether. The Prime Minister had admitted, as everyone would be prepared to admit, the wretched condition of the dwellings of the peasantry, and yet the proposal of the Government directly deprived a tenant who might have risen in the world of the privilege of passing from a hovel into a somewhat better house, and of the power to build a more commodious dwelling.

MR. A. J. BALFOUR, while agreeing that the Amendment was an extremely absurd one, did not consider that the Government should reject the whole of the Lords' Amendment, because the great evil of Ireland at the present time was its overcrowding. That was acknowledged by everyone; and it was also a fact that a man put his married daughters, sons, and, in many instances, his grandchildren, into wretched lodgings on his holding, and although that was not formally sub-letting, it was one of the evils of overcrowding that existed to some extent. At present the landlord had some check upon that system, and he had power to give his ten-

ant notice to quit; but, according to the present proposal, the landlord would not be able to hold any threat over his head. He anticipated, therefore, that in the poorer parts of the South and West of Ireland overcrowding would be further increased among the agricultural population. The Government were not only encouraging the people to live in bad houses, but discouraging them from building good ones. Although the proposal of the Lords appeared stringent and harsh, he hoped the Government would not take it away without introducing some provision by which the evil of overcrowding might be avoided.

SIR HERVEY BRUCE said, he regretted extremely that the Government had decided not to accept the Amendment of the Lords, which he considered was the most wholesome one that had been made by their Lordships. By rejecting the latter part of the Amendment the Government would tend to increase those wretched habitations, for all sorts of out-buildings and hovels, which were now used for cow-houses, cart-sheds, and stables, would be used as dwelling-houses for human beings, not only in the West and South of Ireland, but in his own Province, where the people lived in an unsanitary condition. He thought the Government should be glad of the provision of the House of Lords, that no out-house or building should be used as a dwelling without the consent of the landlord. Labourers sometimes were lodged in those out-houses, and the tenants charged them—in parts of Ulster—four or five times as much for those so-called dwellings as they paid for them themselves, or that would pay for a good dwelling-house.

MR. W. E. FORSTER thought the last speakers were trying to guard against an evil that the Bill already guarded against. The danger of overcrowding was mainly as to the subdivision of the tenancy into a great many small divisions. The Government had prevented that; and if these words were not struck out, as proposed by the Prime Minister, they would be simply substituting one shape of the evil for another, for there would be more overcrowding of the families in the bad houses in which they were now living.

SIR STAFFORD NORTHCOOTE said, it seemed to him that the Government

were proceeding in this matter, as in other matters connected with the Bill, with a very extravagant suspicion and distrust of the landlords. The argument of the right hon. Gentleman the Prime Minister and others was that if the last words of the Amendment were not left out they would, in point of fact, be preventing any building which was not now in use as a dwelling-house from hereafter being used as a dwelling-house. But that was not the meaning of the Proviso at all. Why were they to suppose that the landlord would fail in that which was at once his duty and interest, seeing that the best arrangements were made for housing the people living on his estate? If it was desirable that any particular houses should be enlarged by taking in out-houses and converting them into a dwelling-house, the landlord would be the first man to promote it. There was no reason why he should object. On the other hand, they were going to take away the voice of the landlords in the matter, and, by the Amendment before the House as amended by the Prime Minister, they were encouraging the adoption of the principle that where places were not fit for habitation there should be more crowding of people into them, to the manifest disadvantage of those who were to be so overcrowded. He thought the objection which the Government had taken to the last portion of the clause was an unreasonable one. The Amendment did not prevent out-houses being used as dwellings, but said that they must not be so used without the consent of the landlord.

Mr. MITCHELL HENRY said, he had listened to this discussion with absolute dismay, because it seemed to him that taking any persons belonging to families who might have married, and putting them into small out-houses which were absolute pigsties, was certain to produce overcrowding and that disregard of sanitary laws which was one of the great causes of the misery that prevailed in Ireland. One of the greatest blessings to Ireland, he believed, would be if the right hon. Gentleman the Chief Secretary for Ireland would take care that the ordinary sanitary laws were enforced in rural districts, because the people were not yet alive to the dreadful evils which resulted from this overcrowding. In the interests of the tenants they ought to preserve them against

this temptation. Instead of encouraging families to increase on one holding that was insufficient to maintain one family, what would be more natural than that some of them should go out into the world and provide for themselves elsewhere? The only cure which he looked forward to for the purposes of remedying this evil, and which he believed would be a national one, was the amalgamation of the smaller holdings into the larger ones, and the raising of the social status of the tenants in possession.

Mr. O'DONNELL said, he thought the House must be under some misconception of the view of the Government. He could not believe that it was the intention of the Government, by their proposal, if a tenant farmer wished to provide extra accommodation for his increased family, that he must have recourse to a disused cow-house or shed. At least, if the farmer did so, he should be allowed to make the said cow-house fit for human habitation. What was the use of the Government maintaining the distinction that a man might only put members of his own family into out-houses, when the farmer had permission to make it into a dwelling-house? If the Government really intended that a farmer should have the right of providing decent accommodation for the members of his family, they ought to say so plainly in their Amendment. He was convinced that the plain meaning of the Government's Amendment was not its intended meaning.

Mr. T. D. SULLIVAN said, there were two distinct things in the Amendment—one part of it related to the sub-letting and sub-dividing of land, and the other to the erection of dwellings. As to the first, it might in some parts of Ireland be objectionable; but he could not see what objection could be raised to the substitution of a better class of buildings for small tenants than those which now existed. He had often heard of Conservative proposals; but the most wonderfully Conservative proposal that had ever come before his notice was that now before the House to conserve the mud hovels of Ireland, for that was what the Amendment came to. Though there were many objectionable Amendments on the Paper, he considered this the worst of all. It was a notorious fact that the peasantry of Ireland had been for generations past the worst-clad and

the worst-housed in Europe, and yet these objectionable dwellings were to be conserved by the Government. Why should the House of Lords or the House of Commons object to give every possible encouragement to the erection not only of better, but larger dwellings on farms? He hoped that before the discussion closed the Government would think better of the course they had proposed.

MR. A. M. SULLIVAN observed, that the right hon. Baronet (Sir Stafford Northcote) said the Government seemed to be animated with a great fear of the landlords; but there was no need to cast reflections on the Irish landlords as a body in discussing that Amendment. In all preventive measures they had to deal with the one exceptional member of the community who might do wrong, rather than the 99 who of their own free will did right. That principle applied to the present Amendment, which he considered a most mischievous one, which it was to be regretted the Government had encouraged, because they were practically giving to the landlord a power of limiting the accommodation on the farms of Ireland. If Conservative Members were satisfied with the dwellings of Ireland as they at present stood, let them say so openly. He would refer hon. Members to the case of Lord Leitrim, as a well-authenticated illustration of the autocratic power wielded by the landlord. A tenant, dissatisfied with his thatched hovel, built a snug little cottage on the English model, and nicely slated. The hut which he left after the new dwelling was finished was converted into a cow-house. The first time Lord Leitrim passed the spot, and saw the tenant had built a tidy house, he sent for the tenant and asked who gave him permission to build, and what he had done with the old house. The tenant answered that he had put the cows in it; whereupon Lord Leitrim ordered the tenant to leave the new house and return to the old hovel, which he accordingly did, while his cattle were placed in the newly-built dwelling. He believed that if the Lords' Amendment were modified in the manner proposed, the result would be that the industrious and well-disposed tenant farmer would be seriously hampered and embarrassed by the power which the landlord would still be enabled to exercise over him.

Mr. T. D. Sullivan

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) explained that by striking out the words "in addition to" the tenant farmer would not be enabled to have two dwelling-houses upon his holding, retaining them both as dwelling-houses. It would exactly meet the case referred to by the hon. and learned Member (Mr. A. M. Sullivan), for there was nothing to prevent him building a new house, and using the other as a cow-house or for any similar purpose. The first part of the clause was not so objectionable; but it must be borne in mind that if the tenant brought a family, and put them into possession of a house on his holding, in point of law that would be a sub-division of the holding. It was better for the tenant that he should be warned. The landlord had no right to pry into the social life of the tenant, and try to find out how many rooms he had in his dwelling, or which building he used as a cow-house. He (the Attorney General for Ireland) thought, however, he might fairly require that the number of dwellings should not be multiplied, because it probably would be that the only reason for building another dwelling was that there might be a sub-letting or sub-division when it was built.

MR. JUSTIN M'CARTHY said, he understood that the Amendment, as proposed by the Government, amounted to this—that a tenant might build himself a new dwelling-house in substitution of the old one, and turn the latter into a cow-house or pigstye; but if, after a time, he desired to provide for the accommodation of his married daughter or son, he might eject the pigs, and give their abandoned sty to his children for a dwelling, but he could not build a new house for them. It seemed to him that the Amendment was an encouragement and a fostering of the worst form of overcrowding they could possibly imagine.

MR. C. S. PARKER observed, that to provide for the increase of a family by suffering to be used as human dwellings buildings which were not intended or fit for such a purpose, was a very bad arrangement. Surely, it would be a more natural and a better course to provide for the increase of the family by adding to the existing house. If, therefore, the Government would insert the words "or in enlargement of" in their

own Amendment, he thought the desired end would be attained. The Amendment ran, as corrected by them—

“Erect, or suffer to be erected thereon, save as in this Act provided, any dwelling-house otherwise than in substitution for.”

There he would suggest that the words “or in enlargement of” should be inserted, and then the Amendment would continue thus—“those already on the holding.”

Mr. DAWSON said, the law itself was sufficient to prevent overcrowding. It stipulated there should be 300 cubic feet of space to every person occupying a house; and if the Public Health Act were carried out properly, they never would hear of those atrocious crimes which arose from overcrowding in England as well as in Ireland. The House would be surprised when he said there was only one corporate body in Ireland who had carried out the last Public Health Act in its integrity, and that was the Corporation of Dublin. If the Government would insist upon a proper observance of the law in that respect, a vast improvement would very speedily take place.

LORD EDMOND FITZMAURICE said, he had listened with very great interest to the remarks of the hon. Member for Carlow (Mr. Dawson), who was soon to occupy the highest civic position in Ireland, and hoped the happiest results would follow from his influence when he occupied it. He quite agreed with the hon. Gentleman that in Ireland as well as in England the true remedy for the overcrowding which they desired to stop lay in the rigid application of the existing laws by the public authorities. The Government were willing to accept a certain portion of the Amendment, and he should give them his support, because he believed it would be useful so far as it went. He earnestly hoped, however, that the Local Government Board, aided and supported by the Irish Members, irrespective of Party, would firmly carry out the present law, because if they did that they would accomplish very good work. The landlords were placed in a very difficult position in this matter, because if they prohibited sub-letting and the evils which flowed from it, a greater cry was raised on the ground of their alleged tyrannical conduct; while, on the other hand, if they did not try to prevent that horrible

system of sub-division, which was carried out very often by a man bringing in his own son as a lodger, then they were told that they were neglecting the interests of their tenants. Landlords were held up to public execration because they did not provide better accommodation for the people on their estates, although their efforts in that direction encountered the greatest difficulties. The only way in which a landlord could be supported was by the public sanitary authorities coming forward and insisting that the law should be carried out.

Mr. BRODRICK thought that the proposals of the Government had met with no approval from any quarter of the House; and if the suggestion of the hon. Member for Perth (Mr. Parker) was accepted, there would exist no reason for omitting the words in the House of Lords' Amendment which the Government proposed.

Mr. CALLAN also approved of the suggestion of the hon. Member for Perth (Mr. Parker), and said the people of Ireland well remembered the verdict of wilful murder passed in relation to an occurrence on the Lansdowne estate, and the terms in which Chief Justice Pigott denounced the inhuman regulations prevailing on the estate with respect to sub-letting. If this Amendment passed, the offences against humanity of 30 years ago would simply be perpetuated. If the clause were accepted without some material modification, it would legalize to some extent the inhuman practice which was so strongly denounced by Chief Justice Pigott.

LORD ELCHO said, everyone must wish to see the people well-housed, and therefore he thought the view of the Prime Minister would not hold water. He (Lord Elcho) was glad to learn that these cabins and pigstyes could not be let, because that would be sub-letting, as forbidden by the Act. By way of showing how sub-letting was apt to grow up, he would ask the attention of the House to a case within his own knowledge where a tenant with a holding of 10 acres at £5, upon an estate on which sub-letting was prohibited, did, without the knowledge of the landlord, let two portions of his holding for £5 10s. That was more than his own rent, and yet the man had paid no rent for two years. He (Lord Elcho) had always been told that the great evil

of Ireland was overcrowding, and surely, therefore, it was of the utmost importance to take all possible means to prevent sub-letting and over-crowding. It was, no doubt, desirable that the dwellings should be commensurate with the size of families; but there was the well-known attachment to the holding which tended to the concentration of the whole members of the family in one place, and made it quite possible that a tenant, wishing to keep all his family at home, might add to the house and make it unsuitable to the holding; and therefore he thought it would be well to insert the words "provided always that the existing buildings are suitable to the holding."

Amendment agreed to; words inserted accordingly.

Amendment proposed to the said Amendment in line 5, to leave out all the words after the word "Act," to the end of the said Amendment.—(*Mr. Gladstone.*)

Question proposed, "That the words proposed to be left out stand part of the said Amendment."

SIR JOHN HAY, arguing in favour of the retention of the latter portion of the Lords' Amendment, said, that after they had built their improved cottages, there was great difficulty in getting rid of the old ones; and he could give an instance with respect to himself which had happened within the last 12 months. He built an improved cottage upon the farm and allowed the old one to remain, and he afterwards found that the tenant had let the old one for £5 a-year to persons who were not wanted upon the farm, and who were no credit to it. Fortunately, in Scotland, the landlords had powers which the Irish landlords had not—namely, that of unroofing the cottage and getting rid of the persons so brought in—and thus they were able to remedy the evil. For his part, he viewed the words inserted in the clause as an exceedingly advantageous Amendment. He agreed with what had been said about the surroundings and the amount of population; but if they were going to keep on the land an extra population, living in a state of wretchedness in buildings unfit for human habitation, they were legislating in a direction that would have still worse effects upon the population of the country. He submitted,

Lord Elcho

therefore, that the last part of the provision ought to be retained, and so prevent the appropriation of buildings for dwelling-houses which were really not suitable for human habitation.

MR. W. E. FORSTER denied that, by striking out the latter portion of the Lords' Amendment, the Government were giving encouragement to the use of out-houses for living in or to sub-letting. There was a provision against sub-letting already, and the question was this—were they to have words in the Amendment which would make it impossible, without the written consent of the landlord, that any sort of building, happening to be not previously used as a dwelling-house, should ever be allowed to be so used? It would be an interference with the tenants which could do no good. There might be something worse than a bad dwelling, and that was no house at all. The only way to obviate the evil was not by such Amendments as these, but by generally raising the standard of living in the country.

MR. LALOR hoped that the words would be struck out, and pointed out that it would be necessary in certain cases to convert out-buildings into dwelling-houses. In the present state of Ireland, and taking into consideration the dwelling-houses of the people, he thought the Amendment was most unworthy the House from which it had come, and it would be most unworthy for this House to allow it to remain in the Bill.

SIR THOMAS ACLAND appealed to the Government not to strike out that part of the clause, unless they put something better in its place. The custom of inhabiting unsuitable dwellings in Ireland was a disgrace to that country, and ought to be discouraged as far as possible.

MR. W. H. SMITH agreed with the hon. Baronet the Member for North Devon (Sir Thomas Acland). He (Mr. W. H. Smith) would deplore any Amendment by which encouragement would be afforded to persons to live on the land in excess of the number it could properly accommodate, and in dwelling-houses which were unsuitable for habitation. The Amendment of the Prime Minister on the Lords' Amendment would leave unguarded the danger, that was too common, which arose from the fact that grown-up members of the family were, through feelings of kindness, al-

lowed to remain on the farm, when, in point of fact, they ought to go away. He hoped the House would not insist on striking out those words.

Mr. HEALY said, he hoped the House would not yield to Whig pressure. He would remind the Government that it was not the opinion of North Devon, nor the opinion of Westminster, that they had to consider, but the opinion of the Irish people. What did the hon. Members for those places know about Ireland? They were told, indeed, that the Irish tenants were so much in the habit of building palatial residences that it was necessary to protect them against themselves by giving the unfortunate and powerless landlords the right of objecting to any building they wished. Had those who talked in that way seen the squalor in which the Irish people lived, had they seen the hundreds of habitations occupied by a dozen persons each, and did they want to prevent these unfortunate people from providing themselves with better houses? ["No, no!"] Hon. Members might say "No!" as long as they liked; but that was the meaning of the clause. The Irish did not live in those miserable dwellings of their own choice, and he thought it discreditable that hon. Members should try to prevent the Irish people from having better houses. He not only objected to the words proposed to be left out; but he objected to the whole clause, regarding it as a miserable prying provision into the private affairs of the tenant which ought not to be accepted.

Mr. MACARTNEY objected to the tenants having power provided to convert out-houses into dwellings, and said, that the multiplication of families on the same farm—which generally happened when a married son or daughter occupied an out-house or barn as a house—was a fruitful source of disputes and quarrels among the families themselves and annoyance to the landlord. The Amendment introduced into the Bill was a good one, and he maintained that all it did was to prevent more than one family being located upon one farm that was too small for them.

Mr. EDWARD CLARKE said, that the effect of the omission of the words would be to enable tenants to build out-houses and then to use them as dwelling-houses.

Mr. GLADSTONE said, that the position of the Government in regard to the Amendment was this—the more difficulties hon. Gentlemen opposite raised in reference to the omission of the latter portion of the clause, the more doubt they created in the minds of the Government as to whether they should retain the clause at all. They wished to retain the clause; but they could not with those words in it. If the objection to striking out the words proposed was so great, he must frankly admit that the only alternative the Government had was to strike out the clause altogether. They objected to the last part of the clause, because it would be an intolerable inquisition into the private affairs of the tenant to see whether he had used certain buildings on his farm for the accommodation, perhaps, of a growing family. The remarks of hon. Gentlemen about the necessity of comfortable houses for the Irish tenants to live in reminded him of the old story at the time of the abolition of the Corn Laws, when people replied to the allegation of the scarcity of bread, that the confectioners' shops were full of cakes and buns. It was a question between living and no living at all. Certain people crowded their families into these miserable places, and therefore they would prohibit them from putting them into out-houses where the adaptation might be perfectly easy and proper. By not prohibiting persons from converting out-houses into dwellings it was said they encouraged them to do something absurd; but the gentry of Scotland had overbuilt themselves, and had been compelled to sell their estates. He could name counties in Scotland where there was hardly a gentleman but had had to do this within the last two generations. Would it, therefore, be a wise thing to say that no gentleman should be allowed to build upon an estate more than a certain portion of the rental? They did not encourage the gentry of Scotland to build enormous houses beyond the means of their estates, merely because they did not prohibit them. And it was only a question here whether they should absolutely prohibit. The Government held that the matter with which the Amendment dealt was not one in which the Legislature ought to pry, or with which they ought to interfere. They

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declined to make the precise prudence of everything done by every tenant in Ireland an object of legislative enactment.

LORD JOHN MANNERS said, he was surprised that the right hon. Gentleman the Prime Minister should have recourse to so antiquated a joke in support of his argument, and still more that he should have made so egregious an historical blunder in quoting it. All the world, except the right hon. Gentleman, knew that the saying about the confectioners' shops dated, not from the era of Corn Law Repeal, but from that of the French Revolution, and was attributed, not to an English squire, but to an illustrious Princess. The hon. Member for County Galway (Mr. Mitchell Henry) ought to know something of the question, and he was in favour of the retention of the words. He (Lord John Manners) thought it would be an excellent thing that the Irish tenants should be discouraged from inhabiting the wretched abodes of which they seemed to be so fond. He was anxious, as far as possible, to meet the views of Her Majesty's Government, and such a case as that indicated by the Chief Secretary to the Lord Lieutenant. It might be possible to do that by introducing the word "separate," so that the words might run "nor suffer to be used as a separate dwelling-house." He begged to move that the Amendment be amended in that way.

Further Amendment proposed to said Amendment in line 7, after the words "as a," to insert the word "separate."—(Lord John Manners.)

Question proposed, "That that word be there inserted."

MR. PARNELL said, that as the Government had not conciliated the Conservative opposition by agreeing to one part of the Lords' Amendment, it would be better to re-consider their position and see whether they would agree to any portion of it at all. It was a matter of a very small and petty character; but the power which had been used by landlords in that way had caused considerable irritation. He fully admitted that in ordinary circumstances it was not right that the tenant should be permitted to build a house and bring in people not at all connected with him. But in the case of a near relative—a

mother, for example—a man might desire to provide a separate house; or, in the case of a young married couple, the old father or mother might desire to have them in a separate dwelling, and it seemed desirable that that should be permitted.

MR. GLADSTONE said, that the intention of the Amendment of the noble Lord (Lord John Manners) was to draw a distinction quite arbitrary, and for that reason he could not accept it. There might be two houses perfectly suitable, and one could be used because attached to the dwelling-house, and the other could not because detached from it.

LORD JOHN MANNERS begged to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Original Question put.

The House divided:—Ayes 93; Noes 219: Majority 126.—(Div. List, No. 364.)

Words *struck out* accordingly.

Motion made, and Question put, "That this House doth agree with The Lords in the said Amendment, as amended."—(Mr. Attorney General for Ireland.)

The House divided:—Ayes 265; Noes 67: Majority 198.—(Div. List, No. 365.)

Amendments as far as page 5, line 34, read a second time.

On Motion of MR. ATTORNEY GENERAL for IRELAND, in page 5, line 28, after ("minerals,") to insert ("or digging or searching for minerals,") the first Amendment, *agreed to*; and, in line 32, after ("title,") insert ("and which the tenant, at the time of the passing of this Act, may be entitled by law to cut and remove,") the second Amendment, *dis-agreed to*.

Page 5, line 34, leave out the words "may be required," and insert the words—

"The tenant may be entitled to cut in exercise of any right enjoyed by him immediately before the commencement of the statutory term,"

—the next Amendment, read a second time.

THE ATTORNEY GENERAL for IRELAND (MR. LAW) said, he thought

Mr. Gladstone

the House might accept this Amendment. It gave the landlord the right to cut turf on a holding save such as the—

“Tenant might be entitled to cut in exercise of any right enjoyed by him before the commencement of a statutory term.”

He did not see more than a verbal difference between the Lords' Amendment and the original provision in the Bill; but if the Lords wished to state the provision in a longer way he had no objection.

Motion made, and Question proposed, “That this House doth agree with the Lords in the said Amendment.”—(*Mr. Attorney General for Ireland.*)

MR. PARNELL hoped the Amendment would not be hastily accepted. He thought the Government should first assure themselves that the change was not to the disadvantage of the tenant. There was a distinct difference between the Amendment and the provision which originally stood in the Bill. The original provision allowed the tenant to cut the turf that might be required for the use of the holding; but it did not go into the question whether the tenant was legally entitled to exercise the right of cutting the turf, and it was from that point of view that he thought the provision was of some value to the tenant. But under the new provision, and taking into consideration the effect of an Act passed in 1860, the tenant might be under the obligation of purchasing the turf required for his holding from the landlord to any amount that would be equal to the rent for the whole holding. The original provision also prevented the turf being cut by the landlord. He therefore considered that the amending words made an essential difference on the sub-section as it stood when it left the Commons, and hoped the House would disagree with the Lords' Amendment.

MR. GIVAN said, as the Mover of the Amendment which was accepted in the Committee of that House, he objected to the alteration introduced by the Lords. At the same time, he believed that if it were agreed to there would be no restriction upon the right of the tenant to cut such turf as he was entitled to and as actually existed upon the holding. But it would open a door to the landlord to enter the holding and cut turf, which, although not immediately required for the holding, must be

essential to its value hereafter. His (Mr. Givan's) intention was to save, not only the turf necessary for present use, but for future use. If the Lords' Amendment were accepted, that purpose would not be secured.

MR. HEALY said, that if the clause were adhered to, it would deprive many poor people of their right to cut turf for fuel, and the consequence was that the poor people in various parts of Ireland, if deprived of their turbary rights, would starve from cold at different periods of the year. On the hon. Member for Leitrim's (Mr. Tottenham's) estate 50 heads of families had been sent to gaol (according to that evening's paper) for having insisted on their ancient right to cut turf. This showed that there was a strong feeling on the subject in Ireland. He hoped the Government would give way in this matter. Sometimes the landlord would exact for the turf an amount equal, perhaps, to the rent of the holding.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Law) said, that when he expressed the opinion that the clause inserted by the Lords was practically the same as that which appeared in the sub-section when it left the Commons, he had only looked at the words cursorily, and understood that the Lords had only made a verbal Amendment, as represented by them at the time of its introduction; but as there seemed to be an impression that the Amendment was against the interest of the tenant, and likewise some doubt as to whether the words it contained meant the same as those originally in the Bill, it would, he thought, be better for them to keep to their own words, and strike out the Lords' Amendment. He would, therefore, request leave to withdraw his Motion agreeing to the Amendment in order to ask the House to disagree to it. [“Oh, oh!” and “No, no!”]

MR. TOTTENHAM said, the Bill, as originally introduced, was not intended to give the tenants any rights they had not previously enjoyed; but an Amendment to the hon. Member for Monaghan's (Mr. Givan's) Motion, which was accepted by the Government, gave him a new right, and the object of the Amendment of the Lords was simply to put the right back to its original shape. He regretted to see a Minister accept in one breath an Amendment, and ask leave to with-

draw it in another. It was a most singular instance of a Ministerial change of mind in a very short space of time. It was most extraordinary even in connection with this most extraordinary Bill, and he hoped the House would not allow the right hon. and learned Gentleman to do as he wished. He (Mr. Tottenham) would press the Amendment to a division.

Question put.

The House *divided*:—Ayes 146; Noes 263: Majority 117.—(Div. List, No. 366.)

Amendments, as far as the Amendment in page 5, line 43, read a second time.

Page 5, line 35, after ("roads") insert ("fences"), and after ("water-courses") insert ("passing and repassing to and from the seashore with or without horses and carriages for exercising any right of property or royal franchise belonging to the landlord"), the first Amendment.

MR. HEALY moved to insert "by any existing right of way."

Amendment proposed to said Amendment, in line 3, after the word "seashore," to insert "by any existing right of way."—(Mr. Healy.)

Amendment, by leave, *withdrawn*.

Said Amendment *agreed to*.

Line 38, after ("game") insert ("as defined for the purposes of the Act twenty-seventh and twenty-eighth Victoria, chapter sixty-seven"); and line 41, after ("game") insert as defined for the purposes of the Act twenty-seventh and twenty-eighth Victoria, chapter sixty-seven", the remaining Amendments.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved to disagree with the Amendments, which, he said, made certain birds game which had been included in no previous Game Act in England, and no Act in Ireland, until the year 1864, when they were made so by an Act passed then for a particular purpose. If the House resolved to disagree with the Amendments, he would consent, at a subsequent part of the sub-section, to insert the following definition of the animals and birds which should be included under the head of

Mr. Tottenham

"Game":—Hares, rabbits, pheasants, partridges, quails, landrail, grouse, woodcocks, and snipe.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendments."—(Mr. Attorney General for Ireland.)

MR. PLUNKET said, his right hon. and learned Friend was not correct in the statement he had just made, as he would find in the older Irish statutes, now still in force, that the birds he was excluding from the list were included in the Game List. If only the animals and birds mentioned by his right hon. and learned Friend were included under the head of "Game," there would be a serious infringement of the present right of the landlord's property. These birds were included in the Statute of 1864, and he trusted that the right hon. and learned Gentleman would not exclude them from the Act. Without the suggested alteration, the rights of the landlords were already sufficiently curtailed. He regretted the decision of the Government, and all the more so because the reason given was that the wild ducks proposed to be excluded were migratory. He trusted his right hon. and learned Friend would be able to adopt the language deliberately chosen in the Act of 1864.

MR. H. R. BRAND said, he also hoped the right hon. and learned Gentleman would re-consider his decision. By the Irish Game Act of 1864 wild duck were included as game; and if now taken out of the Bill, the result would seriously affect proprietary rights, for the people would pursue them, and, in so doing, injure other game. The tenant would be likely to lose more in powder and shot than he would gain by being allowed to shoot those birds.

MR. FITZPATRICK supported the Amendments. In many parts of the South-West of Ireland those birds bred all through the year, and the best ornithological authorities regarded them as game birds of the best kind. Besides, there were such things as "decoys," which were worked on pecuniary principles, and gave a large return to the landlord, besides affording employment on a large scale—he knew one which brought in £300 a-year—and in them widgeon, teal, and wild duck were bred. The decoys would be ruined

if the Amendments were disagreed to, because the farmers would shoot the ducks at night on their lands, and the employment now given to the people in watching them would be taken away. He hoped nothing would be done that would injuriously affect those interests.

COLONEL BARNE said, that in the part of the country he came from more sport was spoilt by decoys than by anything he knew. He would like to see every decoy there done away with, and hoped the Government would have no mercy on them. His experience was that they caught all their neighbours' ducks, and wrung their necks.

MR. CAVENDISH BENTINCK said, he was in hopes that some hon. Member for Hampshire or Dorsetshire, where wild fowl most abounded, would have risen to give his views on this subject. If the right hon. and learned Gentleman the Attorney General for Ireland made an excursion into those counties he would find that wild fowl added considerably to the food supply of the country. ["Question!"] That was the Question, for if those birds were taken out of the category of game they would sooner rather than later be all destroyed. The Lords' Amendment was, therefore, most wise, and was in the interests of the whole community.

Question put, and *agreed to*.

Consequential Amendment proposed to be made in the Bill, to insert as a separate paragraph, page 5, line 43, the words—

"The word game, for the purpose of this sub-section, means hares, rabbits, pheasants, partridges, quails, landrails, grouse, woodcocks, and snipe."—(*Mr. Attorney General for Ireland.*)

Question proposed, "That those words be there inserted."

Amendment proposed to the said proposed Amendment, after the word "means," to insert the word "deer."—(*Viccount Falkstone.*)

Question proposed, "That the word 'deer' be there inserted."

MR. PARNELL objected to the Motion, and contended that it was an unreasonable thing to protect deer, which were not, so far as he was aware, protected under any ordinary Game Act. These animals in Ireland did not range the mountainous country, but were, or

should be, kept by proprietors in enclosed deer parks. If allowed to range beyond those parks into a cultivated country, deer were most mischievous animals, and farmers should have the right to destroy them as an unmitigated nuisance.

MR. HENEAGE took exception to rabbits being included. He would like to know by what statute rabbits were game?

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) explained that the reason for rabbits being included was in order to preserve the concurrent right that the landlord and tenant possessed.

Amendment to the proposed Amendment, by leave, *withdrawn*.

Consequential Amendment *agreed to*.

In line 43, after ("1880") insert—

"And the provisions of the Act twenty-seventh and twenty-eighth Victoria, chapter sixty-seven, shall extend where such rights of shooting and taking game belongs exclusively to the landlord as though such exclusive right were reserved by the landlord to himself by deed,"

—the next Amendment *agreed to*.

Amendments, as far as the Amendment in page 6, line 27, read a second time.

Page 6, line 1, leave out ("persistently"), the first Amendment, *disagreed to*.

Lines 3 and 4, after ("sub-section") insert—

("During the continuance of a statutory term, all mines and minerals, coals, and coal pits, quarries of limestone and other stone and slate, gravel and sandpits, woods and underwoods, and all bogs and bog timber, turbaries for cutting turf, and rights of turbarry, except such of the said rights as the tenant, under the contract of tenancy subsisting immediately before the commencement of the statutory term, was lawfully entitled to exercise, shall be deemed to be exclusively reserved to the landlord,")

—the next Amendment.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, he could not accept the Amendment, which was founded upon a misrepresentation of the law which governed these matters. It was superfluous, and, like all superfluities, was mischievous. All these things were absolutely the landlord's property, and all that he required was to get at them.

Motion made, and Question, "That this House doth disagree with The Lords in the said Amendment,"—(*Mr. Attorney General for Ireland*.)—put, and agreed to.

On the Motion of Mr. ATTORNEY GENERAL for IRELAND, page 6, line 6, after ("liquors") insert—

("Nothing contained in this section shall prejudice or affect any ejectment for non-payment of rent instituted by a landlord, whether before or after the commencement of a statutory term, in respect of rent accrued due for a holding before the commencement of such term,")
—the next Amendment, agreed to.

Page 6, line 8, leave out ("consequent on an increase of rent by the landlord,") the next Amendment.

THE ATTORNEY GENERAL FOR IRELAND (*Mr. LAW*), in moving that the House disagree with the Amendment, said, there was no very important question involved in it, except by way of reference; but when they came to the proposed modification of the 7th clause a substantial issue would be raised.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendment."—(*Mr. Attorney General for Ireland*.)

MR. GIBSON said, that the Amendment was the first point at which attention could be drawn to an important question in connection with the power of resumption and statutory terms.

Question put, and agreed to.

Page 6, line 12, after ("estate") insert ("including the use of the ground as building ground,") the next Amendment, agreed to.

Page 6, line 27, leave out from the word "as" to the word "prohibits," in line 33, the next Amendment, read a second time.

MR. GLADSTONE said, it was unnecessary to argue this Amendment. The provision which it was proposed to omit revived the whole question of compensation for disturbance which was adopted upon very full consideration in the House of Commons. The Government would distinctly adhere to the increased scale of compensation agreed upon in the Bill as it was sent to the other House. He moved that the House disagree with the Amendment.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendment."—(*Mr. Gladstone*.)

MR. HEALY said, that, while opposed to the Amendment, he believed the old scale under the Land Act of 1870 was far better than the new scale for the smaller tenants under £10 valuation.

MR. W. H. SMITH hoped the House would agree to the Lords' Amendment. The new scale was adopted in Committee; but, certainly, no ground was shown why the amount of compensation should be so large as was now proposed. Although, as the right hon. Gentleman had said, they had discussed the question at considerable length, yet he (*Mr. W. H. Smith*) ventured to think that the other House of Parliament had acted wisely in the matter, and that there was not sufficient ground for disagreeing to their Amendment.

Question put.

The House divided:—Ayes 293; Noes 172: Majority 121.—(*Div. List*, No. 367.)

Amendments, as far as page 8, line 15, read a second time.

On the Motion of Mr. ATTORNEY GENERAL for IRELAND, page 6, line 37, leave out from ("land") to ("From") in page 7, line 27, the next Amendment, disagreed to.

Page 8, line 9, after ("mill") insert ("otherwise suitable to the holding on which it is erected,") the next Amendment.

Motion made, and Question proposed, "That this House doth agree with The Lords in the said Amendment."—(*Mr. Attorney General for Ireland*.)

MR. J. N. RICHARDSON (who spoke amidst cries of "Agreed!") said, this Amendment of their Lordships had affected a great number of tenants in the North of Ireland. The words as introduced by the right hon. and learned Gentleman the Attorney General for Ireland in Committee protected the tenant fully, but the words in the Amendment made in "another place" were not only unnecessary, but mischievous.

MR. GIVAN opposed the Amendment.

Question put, and agreed to.

Page 8, line 15, leave out from the second word "landlord," to the word "may," in line 17, the next Amendment, read a second time.

MR. GLADSTONE, in moving that the House disagree with the Lords in the said Amendment, said, the Government could not agree to it. ["Oh, oh!"] Well, they were not likely to be brought to accept Amendments by such expressions, which had no influence whatever. Tenant and landlord were not in the same position, and they could not open the Court to the landlord without qualification. This was a matter on which the Opposition were very desirous that landlords should be admitted to the Court, and the Government accordingly had given the landlord the admission into Court after demanding an increase of rent from the tenant. To that principle the Government must adhere, and permanently adhere. After demanding that increase of rent and its being refused, they thought there should be an admission, as there must have been an attempt to settle with the tenant on the part of the landlord before invoking the intervention of the Court. That was a principle that was founded on reason. They did not see why the same rule should not be applied to the landlord; but, at the same time, they would sooner change the order, and rather than agree to the omission of the words they would make the principle applicable to the tenant, and compel him also to make application to the landlord in the first instance. In no kind of way could they be induced to agree to leave the words out.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendment."—*(Mr. Gladstone.)*

MR. GIBSON said, that when the Bill was first introduced the Court was only open to one of the parties, and that was the tenant. That was so abhorrent to the decency and common sense of the House, that at once and very early, long before they came to Clause 7, the Prime Minister announced that the Court would be thrown open to the landlord. [Mr. GLADSTONE: In a particular mode.] The Prime Minister stated very early that he would indicate the way in which it would be opened when they came to Clause 7. How was that done, and how

was it done now? He should have thought if the Courts were to be Courts of Justice, the doors should be open to both sides, which was the order in all the Queen's Courts throughout the world. There were two ways by which it might be open to the two parties. The proposition might have said that either party, landlord or tenant, might equally appeal to the Court to fix a fair rent. The Prime Minister in his wisdom, after consulting with his Colleagues, elected not to follow that course, but preferred to say to the landlord—"We will alter our original view, and allow you into Court; but we will not allow you in with the same freedom and the same absence of shackles that the tenant can enter the Court. We will compel you to put yourself in the invidious position of demanding a rise of rent before you can appeal to the intervention of the Court, and then you will come before the Court in the somewhat prejudiced position of a man who has not been satisfied with the existing rent, who has demanded an increase at such a figure that the tenant has been bound to refuse it." He could have understood that mode of argument if the Prime Minister had gone further, and said—"I will make each party tell his story before going into Court;" and that was what was intended by the Amendment proposed in Committee by the noble Lord the Member for Woodstock (Lord Randolph Churchill). He (Mr. Gibson) asked what principle of justice was it that actuated them in preventing equal measures being meted out to landlord and tenant, and not compelling the latter before going into Court to declare that he demanded a decrease and that the landlord refused it? He thought it was extremely advisable that the tenant should be equally compelled with the landlord to name his reduction. He contended that each party should go into Court unhampered, and if it was thought desirable to curb the landlord, exactly the same course of reasoning ought to apply to the tenant in making his claim to the Court.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, there was one important consideration which his right hon. and learned Friend (Mr. Gibson) did not seem to have noticed. The landlord and tenant were by no means in an equal position, altogether

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irrespective of the Court. ["Oh, oh!"] By the law of the land the landlord had the inherent power of increasing his rent, but the tenant had no power whatever to reduce it. They therefore thought, having regard to the power which the landlord possessed, that it was only right that this distinction should be here made. The obvious objection to the Lords' Amendment was that the two parties—the landlord and the tenant—did not stand in equal positions in reference the one to the other. A further reason why the Government objected to the striking out of the words "After having demanded from such tenant an increase of rent which the tenant had declined to accept," was that if the landlord made a reasonable proposition, the tenant would have an opportunity to close with it and get a statutory term without being taken into Court.

LORD RANDOLPH CHURCHILL said, that, in the same way, the landlord ought to have an opportunity of accepting a proposed decrease without being taken into Court by the tenant. If a tenant wanted a decrease, let him give notice to his landlord of the amount he sought, so that the landlord might have the option by granting it and avoiding the Court. The tenant might then, by an amendment of the clause, be allowed a statutory term. He would appeal to the Prime Minister whether he was not bound to accept the Amendment in consistency with what he had said in reference to an Amendment on this subject when the House was considering the Bill in Committee—namely, that the Government were anxious that the landlord and the tenant should have every encouragement to settle their differences out of Court? It had been urged against the Amendment that the Court would fix the rules which should be observed when the parties came before it. But there were many landlords who would not like to run the risk or bear the expense of going into Court. Why, therefore, should not the like rules be observed without the parties going into Court, thus enabling them to settle their differences without its intervention?

MR. SYNAN thought the Amendment an unreasonable one, forcing the people to go into Court instead of keeping them out of it. The landlord had the remedy in his own hands if he desired to raise

his rent, and need not go into Court. The tenant, however, could not reduce his rent, and ought to be at liberty to appeal to the Court for that purpose.

CAPTAIN AYLMER said, the only advantage the landlord would derive from going into Court would be to show a rent-roll in case of his being obliged to borrow money, and it was absurd that he should be compelled to make an unreasonable demand for an increase of rent to entitle him to go to the Court for so reasonable a purpose.

MR. H. R. BRAND thought the matter would admit of a compromise. From what he could gather from the speech of the Prime Minister, the Government did not have so much objection to the landlord and tenant having an equal right to go to the Court; therefore, he would suggest an Amendment to the Lords' Amendment. It seemed to him what hon. Gentlemen opposite wanted to prevent was the forcing on the landlord the necessity of imposing upon the tenant an increase of rent before going to the Court; and their object, on his (Mr. Brand's) side of the House, was to get the landlord to make some agreement with his tenant without driving him to the absolute necessity of going to the Court. He would suggest, in order to satisfy both parties, the insertion of the words "after failure of agreement between landlord and tenant" in place of the words "demanded an increase of rent." Should this suggestion be adopted, the parties would equally have a right to appeal to the Court in the event of private negotiations failing.

MR. SPEAKER ruled that it was too late to make the Amendment to the Amendment, unless the Motion to "disagree with the Lords" were withdrawn.

SIR R. ASSHETON CROSS expressed a hope that the Government would allow an opportunity to be given of taking the sense of the House upon the suggestion made. There were many cases where a landlord did not wish to increase the rental of his tenant, and where the rent might be a very reasonable and fair one; but yet where the tenant might be found to say—"I will not pay this rent any longer; I will only pay the Poor Law valuation." Surely the landlord in such a case, the difficulty having arisen from no fault of his, but from the fact of the tenant refusing to

pay, where he thought the rent a fair one, and did not seek to raise it, ought to be able to go to the Court and have the question settled as to whether the rent was or was not a reasonable one.

SIR STAFFORD NORTHCOTE said, he thought it desirable that there should be a compromise upon this matter. He, and those who were acting with him, could not help thinking that a very strong step had been taken by giving the Court power to regulate the dealings between landlord and tenant. This step was one of an anomalous and peculiar character, and it would, no doubt, encourage a great deal of undesirable litigation. Everyone must feel that it would be very desirable if they could establish some system of arbitration; but matters had gone beyond that, and, after all, their desire must be to preserve as much as possible the right of free contract. Two suggestions had been made. One was that they should take away the necessity which the Bill, as it stood, imposed upon the landlord, and which was not imposed upon the tenant; while the other was that the tenant should be rendered subject to a limitation similar to that which was put upon the landlord. He understood that the Government were disposed to look with more favour on the second method than on the first. The suggestion of the hon. Member for Stroud (Mr. Brand) was, in his opinion, well worth consideration. There might be some technical difficulty in the way, but that might be easily got rid of; but if the Government could not accede to that suggestion, he might, perhaps, be allowed to suggest that it would be well to make the clause read as follows:—

“The tenant of any tenancy, or such tenant and the landlord jointly, or the landlord, after in the case of the landlord having demanded from such tenant an increase of rent which the tenant has declined to accept, and the tenant, after in the case of the tenant having claimed a reduction of rent which the landlord had declined to accept, may from time to time,” &c.

That would have the effect of putting the landlord and tenant on a similar footing; and he thought, though he would not move it, that the suggestion was likely to facilitate a settlement of the matter.

MR. CARTWRIGHT hoped that some compromise which would be agreeable to all might be arrived at, seeing that

there was little difference between the opinion on one side of the House and that on the other upon the subject. It seemed invidious to draw such a distinction between landlord and tenant.

MR. PARNELL trusted the Government would not yield any more to the Conservative Opposition in regard to the question before the House. The Government had already done a great deal in extending facilities to enable the landlord to go into Court. In fact, it was one of the great blots pointed out when the measure was first introduced; but the Government had entirely disregarded the views of those who thought that the landlord should not have special privileges. They were now asked to go further in an attempt to permit the landlord to go into Court for the purpose, practically, of having a judicial stamp put upon the present rent, and compelling the tenant to submit to the statutory requirements incidental to a judicial tenancy, many of which were of a very disadvantageous character. It should be remembered that, under ordinary circumstances, it would be impossible for a tenant to obtain an abatement of rent, without a surrender of the interest in his holding, the protection given by the 7th clause being the only thing which would prevent the landlord from absorbing the tenant's interest. But the landlord was in no fear of losing his interest. If the tenant should refuse to pay his rent, the landlord could reject him, sell his interest by public auction, and distrain upon his stock. Both parties ought, in his (Mr. Parnell's) opinion, to be put upon an equal footing. The positions of the two parties were not similar, and they could not reason by analogy when they said the two parties should be put upon the same footing. He begged the House to remember that, after all, the landlord was in a different position to the tenant, and he had any one of four or five different remedies, whereas only one was open to the tenant; and if the proposal that had been made were agreed to, the clause would become an additional engine for enabling the landlord to recover his rent, a purpose for which it was never intended. Instead of settling matters, many landlords would take advantage of the Amendment to drag their tenants wholesale into Court, thus subjecting the tenants to expensive lawsuits.

MR. GLADSTONE: After what has fallen from the hon. Member (Mr. Parnell), I think there is very great force in his argument, as far as it goes, as to the difference existing in the position of the two parties. But I am bound, however, to say that there is a good deal of truth in what has fallen from my hon. Friend the Member for Stroud (Mr. Brand); and if I am able to do so I should not object to give up my own point and re-open the matter on the basis of the suggestion of my hon. Friend. I understand him to suggest, not that the tenant and the landlord should be put upon the same footing, but to enable the landlord to obtain an advantage which he is supposed to value highly, and which, if he does value, we ought not to grudge to him if we can give it without hardship to the tenant—namely, the advantage of fixity. The proposal of my hon. Friend would have this effect—that the landlord must still make an endeavour to arrange with the tenant out of Court. That is a matter to which we adhere. He must still make that endeavour; but he might make it in accordance with the spirit of the proposal of my hon. Friend; and, therefore, so far as that point goes, I am quite ready to consider the words proposed by my hon. Friend. I am afraid, however, that we have already got beyond that point. I am willing to accede to the withdrawal of the Motion, if it be the pleasure of the House; but I am entirely in the hands of the House with respect to the matter, and if the Motion cannot be withdrawn we must adhere to our determination to disagree with the Lords' Amendment.

MR. SPEAKER: It is right I should explain to the House that the Question now before it is—"That this House doth disagree with The Lords in the said Amendment." In the event of that Motion being pressed to a division and carried, the effect would be to restore the words struck out by the Lords; but, at the same time, those words themselves would be open to amendment.

MR. GLADSTONE: Am I to understand that after disagreeing with the Lords' Amendment we may amend our own words?

MR. SPEAKER: Yes; the Question now is, "That this House doth disagree with The Lords in the said Amendment."

MR. GOSCHEN wished to know if the House was to understand that the Government, while disagreeing with the Lords' Amendment, would amend the clause in the manner indicated by the hon. Member for Stroud (Mr. Brand)? If that were so he should certainly vote with the Government; but, in the first instance, he wished clearly to understand if the right hon. Gentleman intended to entertain that proposal?

MR. GLADSTONE: I shall consider myself in exactly the same position if the House disagrees with the Lords' Amendment as that in which I would have been if the Motion had been withdrawn. It will then be open for the House to amend the original words of the clause.

MR. HEALY wished to ask a question upon a point of Order. The Question was, "That this House doth disagree with The Lords in the said Amendment." If that Question were carried, what Question would then be before the House? The Question before the House would have been decided; and he apprehended that it would not be in Order for anybody, after the Lords' Amendment had been decided, to re-open it again. Subject to the ruling of the Speaker, he denied that the right hon. Gentleman the Prime Minister would have the right, after the Lords' Amendment should have been decided and done with, to raise any other question until the next of the Lords' Amendments was reached. He asked for the ruling of the Speaker upon the point.

MR. SPEAKER: The words of the clause kept alive by disagreement with the Lords' Amendment will then be open to amendment.

Question, "That this House doth disagree with The Lords in the said Amendment" put, and *agreed to*; said words accordingly *restored* to the Bill.

MR. H. R. BRAND said, that after the word "accept," he proposed to insert the words—"or after failure of agreement between the landlord and tenant." In point of fact, his proposal was to leave out the words—"after having demanded from such tenant an increase of rent, which the tenant has declined to accept," and then to insert the words—"or after failure of agreement between the landlord and tenant,"

MR. HEALY, as a point of Order, contended that the Amendment was irregular. The words proposed to be inserted were exactly the words which had just been refused by the House. [*Cries of "No!"*]

MR. PARNELL desired to say a word on the point of Order. He wished to put it to the Speaker that the hon. Member for Stroud (Mr. Brand) was now moving precisely the same Amendment as that which the House had just negatived—namely, to leave out from the second word "landlord" to the word "may" in line 17. That was the Amendment already disposed of, and the hon. Member now proposed to move it again.

Amendment proposed to the words so restored to the Bill, in page 8, line 17, after the word "accept," to insert the words "or after failure of agreement between the landlord and tenant."—(*Mr. H. R. Brand.*)

Question proposed, "That those words be there inserted."

MR. HEALY, upon the point of Order, would again ask Mr. Speaker whether these words could be inserted? The House were engaged in considering the Lords' Amendments. The Amendment now proposed was not a Lords' Amendment. The Lords' Amendment had been disagreed to; and as the House was engaged in considering the Lords' Amendments, he would ask the Speaker what the insertion of these words had to do with the Lords' Amendments?

MR. PARNELL denied that the Amendment had any reference to the words of the Bill which had been kept alive by the refusal of the House to agree with the Lords' Amendment. The Lords' Amendment omitted from the clause the words "after having demanded from such tenant an increase of rent which the tenant has declined to accept," and the Amendment of the hon. Member for Stroud (Mr. Brand) did not interfere with those words at all. It left those words precisely as they were, but introduced fresh words which were not affected by the Lords' Amendment. He would therefore submit that they did not come within the ruling of Mr. Speaker, that after having disagreed with an Amendment of the Lords, it would be competent for the House to alter the words of the clause which were

kept alive by the refusal of the House to agree with the Lords' Amendment.

MR. SPEAKER: I may say upon the point of Order raised by the hon. Member for Wexford (Mr. Healy), that the Amendment is proposed in the form of an addition, and as it is relevant to the subject-matter sent down from the Lords, it is therefore in Order.

MR. A. M. SULLIVAN asked if he would be in Order, in a case where the House disagreed with the Lords' Amendment, in moving any other addition to the Bill, as it left the House of Commons? Was he able to propose any Amendment of the Bill as it was sent up to the House of Lords, in any part which had been omitted by the Lords? There were many instances where the Lords had amended the Bill by omitting certain portions of it, and there were several cases in which he could propose useful Amendments to the Bill as it left the Commons. He wished, therefore, to know if he would be in Order in going into such questions?

MR. SPEAKER: I cannot decide the point until I have the hon. and learned Member's Amendments before me.

MR. GLADSTONE: I am glad, Sir, that you have ruled that an addition may be made to our own words when we have determined upon restoring such words to our Bill by disagreeing to the Lords' Amendment to them. My hon. Friend the Member for Stroud (Mr. Brand) has moved certain words which Her Majesty's Government think might be more clearly expressed than they are in my hon. Friend's Amendment by another Amendment coming in exactly at the same place as an addition. The words we would propose to substitute are these—"or after having otherwise failed to agree with the tenant as to what is a fair rent." That would let in other modes of procedure between the landlord and tenant in the same way as is proposed by the Amendment of my hon. Friend; but it would leave the matter more clear.

MR. H. R. BRAND said, he was quite ready to withdraw his Amendment in favour of the one suggested by his right hon. Friend.

MR. GIBSON said, he was bound to state, before the Amendment was withdrawn, that the proposal of the hon. Member for Stroud (Mr. Brand) was not at all the proposal he had understood

that hon. Gentleman was going to make and had announced to the House. The inequality which was indicated to exist between the landlord and tenant was that the landlord was bound to formulate his demand; and when the question was under discussion, the hon. Member intimated his intention of proposing, immediately after the word "after," in line 15, to introduce the words, "the parties have failed to agree," or some similar words. The Amendment now presented by the hon. Gentleman, and even as presented by the right hon. Gentleman the Prime Minister, in his (Mr. Gibson's) opinion, made no substantial change, good, bad, or indifferent, in the Bill, because it left the landlord saddled with the special and exceptional provision of having to go into Court after having demanded from the tenant an increased rent, which the tenant had refused, while the tenant could bring the landlord into Court, and ask the Court to measure whatever the Court might consider to be a fair rent. The sole effect the present Amendment would have was that it would anticipate another Amendment, which the Government had, lower down on the Paper, referring to the power of agreement between the parties. The words proposed by the hon. Member for Stroud would have, practically, no effect whatever. They would leave the words of the Bill as they were; and if the hon. Member would look at the bottom of page 5 of the Amendments, he would see that ample power had been given by the Lords. Indeed, the fullest possible power was given to the two parties, at the instigation of either, for the purpose of making an agreement between themselves. The Amendment suggested by the Prime Minister would, he thought, still leave the landlord in an unfair position.

MR. H. R. BRAND hoped he would be allowed to explain. He should have been glad to move the words he had suggested after the word "after," and to cut out the words "such increase of rent;" but he was informed that, as a point of Order, there were difficulties in the way; and, therefore, he had adopted the course he had taken, and had substituted other words.

MR. GLADSTONE: With regard to the withdrawal of the Amendment, my view is that the words which we

have suggested are identical in effect to those which I have sketched out, although in form they are slightly different. But it would be idle to move them unless they would be received by the House.

Question proposed, "That the Amendment be, by leave, withdrawn."

MR. HEALY said, he objected to the withdrawal of the Amendment.

Amendment again proposed, to amend the Amendment by inserting, after the word "accept," in line 17, the following words, "or after failure of agreement between landlord and tenant."—(Mr. H. R. Brand.)

Question, "That those words be there inserted," put, and *negatived*.

MR. GLADSTONE: I beg to move to insert after "accept," the words, "or after having otherwise failed to agree with the tenant as to what is a fair rent." The Amendment is entirely to the same effect as that which was moved by my hon. Friend the Member for Stroud (Mr. Brand). The matter is entirely in the hands of the House; and if, as a matter of form, the Amendment can be regularly moved, I am prepared to move it.

MR. SPEAKER: It is proposed to amend the Amendment by inserting after the word "accept" the following words, "or after having otherwise failed to agree with the tenant as to what is a fair rent."

MR. PARNELL said, the right hon. Gentleman the Prime Minister had himself pointed out that these words were identical with those which had just been rejected by the House; and he would therefore respectfully ask whether, under the circumstances, it was competent for the right hon. Gentleman to move them. It appeared to him that the words, "or after failure of agreement between the landlord and tenant," were substantially the same as the words, "or after having otherwise failed to agree with the tenant as to what is a fair rent." Both Amendments meant precisely the same thing; and he would ask whether, under the circumstances, the second Amendment could be moved?

MR. HEALY wished to be allowed to say, on the point of Order, that when an Irish Member in Committee proposed an Amendment similar in spirit, although

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not in general details, with another Amendment which had been previously moved, he was always shut out from moving it. He would, therefore, put it to the Speaker whether, as the Amendment of the Prime Minister was substantially the same as that of the hon. Member for Stroud (Mr. Brand), he was not similarly irregular now in moving it?

MR. MACFARLANE said, he also desired to say a word on the point of Order. There could be no question that the present Amendment was the same as the last, because the Prime Minister distinctly moved it on the ground that it was identical. He would, therefore, ask Mr. Speaker if it were possible to put an Amendment which had been declared by the right hon. Gentleman who moved it to be identical with one which had just been negatived?

MR. T. D. SULLIVAN said, he did not see what use there was in continuing the discussion after the Prime Minister had admitted that the Amendment was substantially the same as that which had just been negatived. Personally, he could not see that the Amendment was of any use at all. The clause said—

"If the tenant, or the landlord and tenant jointly, or the landlord, after having demanded an increase of rent which the tenant declined to accept."

Surely, that was a failure of agreement, and it was enough to have it inserted in the clause once, without submitting a further Amendment on the same point, and calling upon the House to negative it twice over.

MR. T. COLLINS said, the Speaker had already proposed the Question; and having been proposed, hon. Members were out of Order in objecting to it.

MR. SPEAKER: I am bound to say that, on comparing the two Amendments, they appear to me to be substantially the same. Therefore, I do not think that the Amendment of the right hon. Gentleman can be put.

SIR STAFFORD NORTHCOTE: I am placed in a position of considerable difficulty by the proceeding which has just taken place. I do not wish to use unpleasant language on the subject; but I do not think that I have been hardly fairly treated. I rise now to ask if I shall be in Order in moving the Amendment which I read to the House

just now, as a suggestion, seeing that the Amendment of the hon. Member for Stroud (Mr. Brand) has been shut out? Of course, I cannot move the first words of the Amendment I proposed to submit, because they come in at the beginning of the words which have been restored; but I would propose, at the end of the Amendment, after the word "accept," to add these words—

"And in the case of the tenant having claimed a reduction of rent, which the landlord has declined to concede."

That would, as nearly as possible, put the two parties on an equality. In the case of the landlord, he must first have demanded an increase of rent, which the tenant has declined to accept; and then, in the corresponding case of the tenant, he must have claimed a reduction of rent, which the landlord declined to concede.

MR. A. M. SULLIVAN wished to say a word upon a point of Order. [*Cries of "Order!"*] It might be ruled that he was too late if he rose after the Question was put. He desired respectfully to say that if he had correctly heard the words of the right hon. Gentleman the Member for North Devon (Sir Stafford Northcote), they were very much the same as the Amendment they had already dealt with, only more so.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) wished to ask a question—namely, whether the Amendment was in Order, as it dealt with a tenant's application, which was not touched by the Lords' Amendment? The first part of the clause only related to the tenant's application, and it had not been made a matter of dispute either there or in the House of Lords. Having passed that part of the clause, the right hon. Gentleman now proposed to go back and further to deal with the right of the tenant to make the application. The Lords had not touched that matter at all; and he would ask, as a point of Order, whether they could go back upon the question now and impose a new restriction and qualification on the tenant's application?

MR. SPEAKER: It appears to me that there is no objection to my putting the Amendment of the right hon. Gentleman. The observations of the right hon. and learned Gentleman raise matters of argument which are for the determination of the House. I see no

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grounds for proposing not to put the Amendment.

Amendment proposed to the words so restored to the Bill, in page 8, line 17, after the word "accept," to insert the words—

"And in the case of the tenant having claimed a reduction of rent, which the landlord has declined to concede."—(*Sir Stafford Northcote.*)

Question proposed, "That those words be there inserted."

MR. W. E. FORSTER: I think this proposal is a decidedly different one from that which was proposed by the hon. Member for Stroud (Mr. Brand), and it seems to me to be much more objectionable. As we were unable to entertain the first proposal, I do not see how we can entertain this. It lays down the principle that the tenant should be put on the same footing as the landlord in regard to going into Court. I will not repeat the arguments of my right hon. and learned Friend the Attorney General for Ireland that the tenant and the landlord are not in the same position; but I may say that the effect of adopting this Amendment would be to qualify the action and power of the tenant to go into the Court, which we have already declined to do. My objection to the Amendment is this—I do not think we can practically look upon the landlord and the tenant as being on the same footing in a matter of this kind. Take the case of a large number of small cottier tenants. The landlord knows precisely what rent he ought to get, if he knows his business; but, on the other hand, the small cottier has an idea of his own that he ought to have a lower rent. As a matter of form, we think it would be unwise to make him state the exact figure he thinks he ought to pay. If we were to do that, the probability would be that we should drive these small tenants into making extravagant demands, and they would get assistance from people altogether outside as to the nature of the demand they ought to make.

MR. MITCHELL HENRY said, that many hon. Members felt a difficulty in applying their minds to the consideration of this Amendment. The Amendment of the Lords affected the landlord; whereas the present Amendment affected the tenant. The Amendment sent down

from the other House said nothing at all about the tenant; whereas the present Amendment dealt entirely with the tenant.

MR. GOSCHEN said, it was his right hon. Friend the Prime Minister himself who proposed to submit an Amendment in the shape of a compromise if it were possible; and his right hon. Friend suggested that it might be more acceptable if the landlord and the tenant were put on the same footing. It was in consequence of that suggestion that his hon. Friend the Member for Stroud (Mr. H. R. Brand) had endeavoured to find a solution which would be satisfactory to both sides of the House, and to the Lords as well as to the Commons. What had happened since appeared to be this—In the first place, there was a misunderstanding as to the withdrawal of the Amendment. Some hon. Members objected to the withdrawal of the Amendment, notwithstanding that the Prime Minister announced his intention, if it were withdrawn, of submitting another Amendment identical in substance. It was next understood that, if the Amendment were not withdrawn, no other Amendment to the same effect could be moved. The question was asked that the Amendment should be withdrawn; but the Amendment had been moved, and could not be withdrawn without the consent of the House. The House refused to allow the Amendment to be withdrawn, and the Amendment was accordingly negatived. It was then found impossible to move the words which had been offered by Her Majesty's Government in substitution of the Amendment of the hon. Member for Stroud; and he thought it would be admitted that his hon. Friend, and the Government, and the House, had been placed in a difficult position by what had occurred. If the Government did not see their way to accept the proposal now submitted by the right hon. Gentleman the Member for North Devon (Sir Stafford Northcote), which affected the tenant, perhaps they would be able to suggest some other means by which effect might be given to the proposal they had originally made, in order to give effect to the views of the hon. Member for Stroud.

MR. GLADSTONE: As far as I am concerned, I am not aware of any method that remains open to me of

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giving effect to the proposal of my hon. Friend behind me (Mr. Brand), or I would willingly avail myself of it. I am not aware that any method is now open to me of giving effect to the suggestion of my hon. Friend to enable the landlord to obtain the fixity of rent which he supposes to be a real benefit to him, without the preliminary of proposing any increase of rent. There were two difficulties. Although I should have preferred putting this burden on the tenant in the way proposed by the Bill to the method proposed by the House of Lords, I never stated that it would take the form of an enactment that would be acceptable to the Government. I only maintained that it was less objectionable than the Amendment which had actually been made. But there is another objection, in which I see very great force—namely, the objection stated by my right hon. Friend the Chief Secretary for Ireland, that the present Amendment does not attain the very great object stated by the right hon. Gentleman the Member for South West Lancashire (Sir R. Assheton Cross)—namely, the enabling of the landlord to obtain fixity, without going through the preliminary of demanding an increase of rent. That was the principal inducement, and the only inducement to me, to accept the suggestion of my hon. Friend, because it was one of those happy suggestions which offer a boon and an advantage to the landlord, without imposing the smallest burden upon the tenant. To the present Amendment of the right hon. Gentleman opposite we could not agree. I hope, however, that it may be in the power of the House of Lords to vary the clause as suggested, by opening the door which is now closed.

Mr. HEALY said, he had never listened to a more extraordinary statement than that which the Prime Minister had just made—namely, that the Amendment of the hon. Member opposite (Mr. Brand) offered a boon and advantage to the landlord, without giving a corresponding disadvantage to the tenant. How could a favour be bestowed on the landlord without being taken from the tenant? Was it no disadvantage to the tenant that the landlord should be able to force him, by means of a bogus arrangement, into the Court? Those words were certainly ger-

mane to the Amendment of the hon. Member, because, after the failure of an agreement between the landlord and tenant, the landlord would be able to make an impracticable proposal to the tenant, which would drive the unfortunate wretch into Court. And that, they were told, was an undoubted boon to the landlord, without being any disadvantage to the tenant. [*Laughter.*] An hon. Member opposite laughed; but probably hon. Members who sat on that (the Home Rule) side of the House had as much influence and power as the hon. Member in getting these things settled for the tenant. And perhaps they had succeeded to some slight extent. The hon. Member for the City of Cork (Mr. Parnell) might have the confidence of the people of Ireland or he might not; at all events, the Government had not. He wished to inform the Government that, if proposals like this were accepted by them, Irish Members would hold their minds in a state of balance. He had given the Bill the closest and most conscientious attention possible, and what he should do when it came on for further consideration in Ireland with regard to its acceptance would depend a great deal on the working of the 7th clause. So important did he regard the Amendment of the hon. Member for Stroud (Mr. Brand) that, if it was accepted by the Lords and sent down to that House, where it was accepted by the Government, his advice to the tenants would be to fight it out on Land League principles, and make the landlords skip.

Question put.

The House *divided*:—Ayes 168; Noes 279: Majority 111.—(Div. List, No. 368.)

Page 8, line 20, leave out from the word "Parties" to the second word "and," in line 21, the next Amendment, read a second time.

Mr. GLADSTONE: The House will remember that this Amendment was moved by the hon. and learned Member for Dundalk (Mr. Charles Russell). It did not form part of the original proposal of the Government, but it was accepted by them, not as altering in any way the substance and effect of the clause, but as meeting the desire of a great body of opinion, especially of Irish

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Members in the House, and likewise as conveying a certain assurance to the minds of the people of Ireland. The words of the Amendment of the hon. and learned Member for Dundalk were—"And having regard to the interests of the landlord and the tenant respectively." These words having been struck out, I am compelled to look at them in conjunction with other changes which have been made in this clause dealing with the question of rent, and which, I am bound to say, gives to the present Amendment an importance and character, as it now stands in conjunction with other Amendments, such as it did not bear when under discussion amongst ourselves. For the sake of illustration, I will refer to an Amendment which I have particularly in view, and which I think extremely objectionable, and inadmissible on the part of the House. In page 7 of the Lords' Amendments as printed, in sub-section 9, these words occur—

"The rent of a holding shall not be reduced in any proceeding under this Act on account of any money or moneys' worth paid or given by the tenant or his predecessors in title otherwise than to the landlord, on coming into the holding."

It is quite evident that these words have the most natural bearing on the words now immediately before us; and, viewing the very objectionable character of the words, I have no hesitation in saying that I must move to disagree with the Lords in the said Amendment.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendment."—(*Mr. Gladstone.*)

SIR STAFFORD NORTHCOTE: The right hon. Gentleman has not confined his remarks to the particular words now in question; but he has connected them with the general Amendments which have been made by the House of Lords in the 7th clause, and has specially pointed to the definition which was made in the form of the sub-section to which he has called the attention of the House. Well, under these circumstances, it is obvious that we are engaged in a really serious discussion, and one which touches very closely the most delicate and the most important points of the controversy which may still have to be waged upon this Bill. Sir, I am reluctant to

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trouble the House with anything like a general discussion—which I might almost do after the words which have been spoken—on this important principle, the question of fair rent. I will abstain from doing so, and I will only make use of very few words in order to explain my own view as to the position of the House with regard to the Amendments touching fair rents. There can be no doubt of this—that there has been continually brought before the attention of Parliament a complaint which has been made by the Irish tenant, to the effect that the raising of rent may eat up the tenant's interest; and, on the other hand, there is the danger to be guarded against, that the tenant's interest may eat up the rent, and it is very difficult indeed to arrive at a proper conclusion with regard to the principle upon which fair rent is to be assessed, so that it shall be free from danger on either of these two sides. Now, the first proposal of the Government was that there should be given in the clause which relates to fair rent some rather minute directions to the Court as to the principle upon which they are to assess the fair rent; and the definition which was to be given of the interest of the tenant, and which was to be taken into account when the fair rent was fixed, was considered to be a very complicated subject—a subject of a great deal of discussion and dispute. At length we seemed to come to this conclusion—that it would be better not to encumber the Court with directions of this kind, but to omit them, and leave it to the Court itself to decide what would be a fair rent between the two parties. I must say, when that was proposed, many of us thought it would be the best and most satisfactory solution; and so far was I influenced by this consideration that I abstained from moving Amendments I had given Notice of, intending to give a reasonable definition, as we thought, of fair rent and of the tenant's interest as affecting fair rent, and which was substantially taken from the late Mr. Butt's attempted legislation. However, we withdrew all that, and the hon. and learned Member for Dundalk (Mr. C. Russell) subsequently came forward and said—"You must put in the words 'having regard to the interests of the landlord and tenant respectively.'" Now, that does give a direction to the Court

to some extent, and it revives the necessity for some sort of understanding, some kind of direction which may prevent a misconception as to the intention of Parliament. Undoubtedly, the words which are inserted in the 9th sub-section, as it has been drawn, would very materially mitigate the difficulties which still may arise. I will call the attention of the House to the general way in which the fair rent and the tenant's interest bear the one upon the other. We are constantly being told that the rent does not interfere with the tenant's interest, and that the tenant's interest does not interfere with the rent. That is not and cannot always be the case. A man is prepared to take a farm, but before he takes it he wishes to know two things; he wishes to know what charge he is to pay on coming into possession, and what the rent will be which he will have to pay in the course of his tenancy. It is, in fact, very much like the question a man asks himself when he is going to take a house, say in London, where he has to pay a certain premium for entering into possession, and where he has afterwards to pay a certain annual rent charge. If the rent charge is to be heavy, he, of course, expects to pay a lower premium; and if the premium is high he expects a lower rent. In the case I am supposing in London, a fine is paid to the landlord as well as the rent; but in Ireland the fine is not paid to the landlord, but to the outgoing tenant, and the rent to the landlord, and the question is, whether the fine is to eat up the rent, or the rent is to eat up the fine. Suppose a man has arrived at the conclusion that he can afford to pay five years' rent for the purpose of coming into a holding—for the purpose of buying up the interest of his predecessor. Supposing he is prepared to pay £250 to come in at a rent of £50 a-year. Those who complain of the rent eating up the tenant's interest will say that, after a time, the landlord may come forward and say—"I am not satisfied with this £50 a-year; I must have £60." The tenant would say—"I cannot afford to pay £60 a-year, because of the amount I had to pay to come in; if I have to pay you £60, I should have paid less than £250 to the outgoing tenant." In this way there is supposed to be a danger of the rent eating up the tenant's interest. Well, precisely the converse will take

place if the outgoing tenant, who is now to be allowed to sell his interest for the best price he can get, says—"You must give me not £250, but £300." In that case the tenant would be obliged to say to the landlord—"I cannot give you the full rent of £50 a-year; I must pay you a less sum." In this way the raising of the charge on the tenant's interest would fall, and fall entirely, on the rent of the landlord. As to the proposal which has been made in connection with the words we are now considering, it is a proposal, as I understand it, which is intended to have this effect. It is to say that when the rent of the holding is about to be settled—is about to be either increased or reduced by the Court—it shall not be reduced in respect of any money that may be paid by the tenant on his coming into the holding. It is not intended, as I understand it, to apply to past transactions; for instance, it is not intended to affect the Ulster Custom or the cases in which a certain sum has been paid before the passing of this Act by the predecessor of the tenant who is now in possession. But I understand it to apply to future cases, to those who may come in under this Bill, and may be induced, by the advantages and facilities offered to them, to sell their interest to the incoming tenant at a high price. The incoming tenant purchasing at this high price, as he is encouraged to do, will say—"I have had to pay so much for my predecessor's interest in the holding that I cannot afford to pay you (the landlord) the rent which you have been in the habit of receiving, and which, if it had not been for this high price, I should have been prepared to give." The intention of the House of Lords, as I understand the Amendment, is that the landlord ought to be protected against a proceeding of that kind, and I must say I think it a very reasonable proposal. I am told that the words of this Clause 9 go rather further than I have described. If that is so, it would be very easy to alter it; but we have not come to that yet. At the present time we have to bear in mind that we are going too far or not far enough in the words which have been struck out by the House of Lords, and which were put in on the Motion of the hon. and learned Member for Dundalk. If you trust the Court, if you think it competent to deal with these delicate matters, why not

[First Night.]

leave it alone to exercise its functions—why not allow it to deal with these cases as they arise on general principles of equity, such as would guide any Court? If, on the other hand, you think it necessary to give instructions, give them in such a way that we can all agree to them. What seems to be the facts of the case are these. The Government thought it would not be right to give any guidance to the Court; but when they came to turn their hand to it they were obliged to abandon their first idea. Then came the hon. and learned Member for Dundalk and said—"This will not do. You must insert words which were not a part of your original proposal, and which are inconsistent with your original proposal. You must strike out the direction in your draft of the Bill." He comes forward and introduces these words—"Having regard to the interests of the landlord and tenant respectively;" and the House of Lords strikes them out as being inconsistent with the original intentions of the Government.

Mr. CHARLES RUSSELL hoped the House would not desire, at that stage of the Bill, to go over again that long discussion which they had had on this matter in Committee. Unless compelled to do so, he should decline to go into the general reasons in favour of the insertion of these words. He desired to point out to the House that, apart from the intrinsic merits of the words of the clause as it left that House, they had, from other circumstances, acquired an importance amongst those people for whom the Bill was intended. The special circumstances were these—In the Bill as originally drawn by the Government there were inserted words giving a direction to the Court that in fixing a fair rent it should have regard to the tenant's interest. It was quite true that afterwards, finding the precise definition or guide as to fixing the fair rent would not work and was not practicable, the Government were inclined to strike out the words, and leave the matter entirely at large. But they were met with this difficulty—that they had themselves first suggested this regard to the tenant's interest. They were further embarrassed, as a great many hon. Members in the House knew, by the testimony which reached them from all quarters representing Irish opinion on the matter. They found that this reference to the interest of the ten-

ant was considered of great—nay, of vital—importance to the interests of the tenant. Finally, after a discussion in the House, the words as they now stood in the Bill were accepted, and accepted by a very large majority; and he well recollected that the right hon. Gentleman (Sir Stafford Northcote), in discussing this matter, was good enough to say, in referring to his (Mr. Russell's) Amendment, that he noted it, and was glad to recognize it as a proof of advanced opinion in the House on this matter. After a great deal of discussion, the words were inserted in the Bill, and the measure left the House with these words in it. Now, he (Mr. Russell) wished to state what the effect on the public mind would be if the Lords' Amendment were agreed to. No one had yet pointed out, either in that House or the other, how the original words accepted by the Committee could work injuriously to the interests of the landlord. He had read everything which had been said about it, and he had not been able to appreciate or realize any argument showing how the landlord's interests would suffer. What, then, would be said out-of-doors if, having put this reference to the landlord's and the tenant's interests in the Bill—having, after prolonged discussion in Committee, come, by a large majority, to the conclusion that the words should be inserted—if, in answer to the other House, who, to put it mildly, did not very strongly represent the tenant's point of view, these words, upon which so much store was placed by the Irish people, were struck out? During the progress of this Bill he had received a great many letters from a great many quarters, and from no part had there come so unanimous an expression of opinion as to the necessity of a provision of this kind as from the North of Ireland. Since the discussion in the House of Lords he had received, again and again, the strongest protest against the striking out of these words. It had been represented to him that men who did not at first attach so much importance to the words, intrinsically, as he did, now considered that, as they had once been in, to strike them out would have an injurious effect. He would earnestly urge upon the House that the omission of these words, which he conceived to be highly important, would be disastrous; and he trusted, therefore, that the Com-

Sir Stafford Northcote

mons' Amendment would not be abandoned.

Question put.

The House *divided*:—Ayes 270; Noes 154; Majority 116.—(Div. List, No. 369.)

SIR STAFFORD NORTHCOTE: I think, at this hour of the night, the House will be willing to adjourn. There is a great deal of serious Business to be done, and I wish to give Notice that I shall move an Amendment on sub-section 5, to amend the Lords' Amendment at page 9, by adding in the 3rd line the words "during the statutory term." I move that the debate be adjourned.

Motion made, and Question proposed, "That the Debate be now adjourned."—(Sir Stafford Northcote.)

MR. GLADSTONE said, he should much more cheerfully assent to an adjournment if he thought there was a strong inclination on the part of the House to close the debate to-morrow.

MR. HEALY thought the question of closing to-morrow depended very much on the Government.

Question put, and *agreed to*.

Further Consideration of Lords' Amendments *deferred till To-morrow*.

BILLS OF EXCHANGE BILL.

(Sir John Lubbock, Mr. Arthur Cohen, Mr. Lewis Fry, Sir John Holker, Mr. Monk.)

[BILL 218.] SECOND READING.

Order for Second Reading read.

SIR JOHN LUBBOCK, in moving that the Bill be now read a second time, explained that it was entirely one of consolidation and codification. At present the law relating to Bills of Exchange was scattered over more than 20 Acts of Parliament, and there had been decisions in nearly 2,000 cases. Under those circumstances, the commercial community had long been anxious that the law should be condensed and brought together in a more accessible form. He did not propose to go beyond the second reading of the Bill in the present Session; but he should be glad if the House would consent to the second reading, so that he might be able to bring the measure more prominently before the commercial public during the Recess. He would not trouble the House with any further remarks. He would

only say, in conclusion, that the present Bill had been prepared at the instance of the Associated Chambers of Commerce and the Institute of Bankers, and had been carefully examined by high legal authorities.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Sir John Lubbock.)

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he intended to assent to the Motion; but it must be perfectly understood that he did so on the assumption that the Bill, which was an important measure and dealt with the consolidation of the law, was proceeded with no further in the present Session. He understood that his hon. Friend only desired now to call the attention of the commercial world to the subject, and that he did not propose to go beyond the second reading of the Bill. On the part of the Government, he (Sir Henry James) had no objection to that course being taken.

MR. RYLANDS said, he did not rise for the purpose of opposing the Motion for the second reading of the Bill; but he was quite aware that there were points in the matter which were open to considerable discussion. He therefore wished it to be distinctly understood that, in assenting to the second reading, neither Her Majesty's Government nor any independent Member were giving their assent or approval to all the provisions which were contained in the measure.

MR. MAGNIAC remarked, that he should like to enter a *caveat* upon one point referred to by the hon. Baronet who moved the second reading of the Bill (Sir John Lubbock). His hon. Friend said that the Bill had the approval of the Associated Chambers of Commerce and the Institute of Bankers of London. Now, it ought to be known that the bankers of London had nothing to do with any Chamber of Commerce; and whether it was known to the Associated Chambers of Commerce or not, he (Mr. Magniac) was quite clear that it was utterly unknown to the merchants of London. It would, therefore, be well to read the Bill a second time, so that its provisions might be made known generally. But while he supported the proposal to read the Bill a second time, he hoped it would be understood that

he did not in any way commit himself to any principle contained in it.

MR. R. N. FOWLER said, his hon. Friend the Member for Bedford (Mr. Magniac), who had just sat down, said there was no Chamber of Commerce in London. That was quite true; but there was an Institute of Bankers in London, of which his hon. Friend in charge of the Bill (Sir John Lubbock) was President, and they took great interest in the measure. But, of course, in a Bill of considerable length there would be points of detail which would require discussion, and which it would be open to the House to consider next Session. He was very glad that the House was likely to read the Bill a second time. He hoped it would take the same course next Session, so that an opportunity might be afforded of considering the provisions of the measure in Committee, where every point connected with them could be raised.

MR. WHITLEY said, he would not oppose the second reading of the Bill on the understanding that, after it had been read a second time, it would be carried no further. He had intended to oppose the Bill; but on that understanding he would withdraw his opposition. Up to the present time, the bankers and merchants of Liverpool had had no opportunity of knowing anything about the measure. He thought it was one which he should be glad to support in another Session, if the simple object of the Bill was to codify the various Acts of Parliament which relate to Bills of Exchange. In the meantime, it would be understood that in assenting to the second reading the House did not commit itself in any way to an approval of the principle of the Bill.

SIR JOHN LUBBOCK remarked that, as he had already explained, the principle of the Bill was simply to codify and consolidate the law in regard to Bills of Exchange and bring it together. He understood that his hon. Friend the Member for Liverpool (Mr. Whitley) did not object to that. All the details of the measure could be discussed in Committee. He thanked the House for the reception which had been given to the Bill.

Question put, and *agreed to*.

Bill read a second time, and *committed for To-morrow*.

Mr. Magniac

REMOVAL TERMS (BURGHs) (SCOTLAND) BILL.

CONSIDERATION OF LORDS' AMENDMENTS.

MR. J. STEWART, in moving that the Lords' Amendments to this Bill be considered forthwith, said, they were merely of a verbal nature, and there could be no objection to their being considered at once.

Motion made, and Question proposed, "That the Lords' Amendments be forthwith considered."—(*Mr. J. Stewart*.)

MR. WARTON said, he must object. In the first place, he had failed to catch even the title of the Bill; but, further than that, he objected to any Bill being considered at that hour—half past 1—which was not down on the Paper. He remembered, on one occasion, that a Bill passed in a very curious manner, owing to the non-observance of the Rules of the House, and he had ever since determined to object to the repetition of such a practice.

MR. J. STEWART said, that, of course, if the hon. and learned Member for Bridport (Mr. Warton) objected, it would be impossible to go on with the Bill now.

THE ATTORNEY GENERAL (Sir HENRY JAMES): Go on.

MR. J. STEWART wished to impress upon the House that at that period of the Session it was absolutely essential to make Progress with any measure which it was intended to pass into law. He would, therefore, with the permission of the House, persist with the Motion he had made.

MR. WARTON appealed to Mr. Speaker whether it was possible to take the Lords' Amendments to a Bill in the way now proposed, seeing that the Bill itself was not down upon the Paper for Consideration? Notwithstanding the hon. and learned Attorney General's direction to the hon. Member (Mr. J. Stewart) to "go on," he (Mr. Warton) would like to have a distinct ruling from Mr. Speaker on the point.

MR. SPEAKER: The Bill has been to the Lords, and has come down with certain verbal Amendments. It is usual to consider such Amendments without giving Notice; but if the hon. and learned Member for Bridport presses his objection, the Amendments cannot

be considered now, and the debate must stand adjourned.

MR. WARTON said, he would not press his objection after the statement which had been made by Mr. Speaker.

Question put, and *agreed to*.

Amendments considered, and *agreed to*.

WAYS AND MEANS.

CONSOLIDATED FUND (NO. 4) BILL.

Resolution [August 8] reported, and *agreed to*:—Bill ordered to be brought in by Mr. PLAYFAIR, Mr. CHANCELLOR of the EXCHEQUER, and Lord FREDERICK CAVENTISH.

Bill presented, and read the first time.

House adjourned at half after One o'clock.

HOUSE OF COMMONS,

Wednesday, 10th August, 1881.

MINUTES.] — PUBLIC BILLS — Committee —
Report—Patriotic Fund * [240].
Withdrawn—Employers' Liability Act (1880)
Amendment * [71].

QUESTION.

ROYAL UNIVERSITY OF IRELAND— UNIVERSITY WORK.

MR. DAWSON asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been called to the Report of the President of Galway College and to the strong advocacy therein contained of the retention of teaching as a part of University work; and, whether the New Royal University, making no provision for teaching, leaves the great mass of the Irish people without any provision for academic training, whilst a minority will have the Queen's Colleges and Trinity College to supply to them that great advantage?

MR. W. E. FORSTER, in reply, said, the Report was, no doubt, most interesting, and the President did put strongly the advantages of University teaching and training, as well as of examination, and he showed that the Queen's Colleges continued to give that advantage. But, interesting as the question was, it was not a practical one, since the House had decided it in establishing the new Uni-

versity, for which an Act was passed a year or two ago.

MR. DAWSON said, that in consequence of the answer he had received he should, early in next Session, bring forward a Motion declaring—

"That, in the opinion of this House, it is inexpedient that the vast majority of the people of Ireland should be without academical teaching, while the minority had the advantage of the Queen's Colleges and of Trinity College in Dublin."

ORDER OF THE DAY.

LAND LAW (IRELAND) BILL.

CONSIDERATION OF LORDS' AMENDMENTS.

[SECOND NIGHT.]

Lords Amendments further considered.

Page 8, line 23, after the word "rent," insert the words—

"Provided always, That where application is made to the Court under this section in respect of any tenancy, and the Court is of opinion that the tenant of the holding in which such tenancy subsists, or his predecessors in title, has or have caused or suffered such holding to become deteriorated, contrary to the express or implied conditions constituting the contract of tenancy, the Court may refuse the application, or may postpone the further hearing of the same until after the performance by the tenant of such conditions as the Court may think proper,"

—the next Amendment, read a second time.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the Amendment was one which he should ask the House to disagree with. It was an Amendment which had already been considered, discussed, and rejected by the House. The truth was that it was one of the old Land Committee Amendments, which had been amply discussed there, and the answer given to it he had only to repeat. Everything which would properly be a fair basis for opposing an application for a judicial rent was provided for under the 8th clause, which gave the Court full power to reject an application whenever the conduct of the applicant had been unreasonable. No conduct could be more unreasonable on the part of the tenant than to cause or suffer his holding to become deteriorated, and then apply to fix a fair rent for it. It had frequently been held, under similar words in the 18th clause of the Land Act, that such conduct was "unreasonable," and disentitled the tenant to relief.

[Second Night.]

That applied to mere permissive waste; but if there was deterioration of the holding with the object of getting a lower rent, that would be fraudulent, and if they had any confidence in the Court at all they might leave such conduct to be dealt with by it. Apart from that, however, there was a manifest mistake—at least, he presumed it was a mistake in the Amendment—for it could hardly have been intended—but it provided against deterioration, caused or permitted not only by the tenant, but by his predecessors in title, so that the present tenant might be refused a fair rent because of something which had been done by his predecessor 50 years ago.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendment."—*(Mr. Attorney General for Ireland.)*

MR. GIBSON said, that if the Court would proceed upon the lines set forth by the Attorney General for Ireland he was satisfied. But the right hon. and learned Gentleman had gone somewhat further. He had sneered both at the structure of the Amendment and at the source from which it had come. The object of the Amendment was to prevent the tenant seizing the opportunity, when the farm was at its worst by his own fault, to get a judicial rent fixed. Although the Amendment might not be agreed to, he trusted that the words of the right hon. and learned Gentleman would have some effect on the Court.

Motion agreed to.

Page 8, line 35, leave out from the word "landlord," to the end of subsection 3, the next Amendment, read a second time.

MR. GLADSTONE said, he need not acquaint the House that this Amendment was one to which the Government could not ask the House to agree. The third paragraph of the clause provided that—

"Where the judicial rent of any present tenancy has been fixed by the Court, then, until the expiration of a term of fifteen years from the rent day next succeeding the day on which the determination of the Court has been given (in this Act referred to as a statutory term), such present tenancy shall (if it so long continue to subsist) be deemed to be a tenancy subject to statutory conditions, and having the

same incidents as a tenancy subject to statutory conditions consequent on an increase of rent by a landlord."

The House of Lords had struck out the words which follow—namely,

"With this modification, that, during the statutory term in a present tenancy consequent on the first determination of a judicial rent of that tenancy by the Court, application by the landlord to authorise the resumption of the holding or part thereof by him for some purpose having relation to the good of the holding or of the estate, shall not be entertained by the Court, subject nevertheless to the provisions in this Act contained for the benefit of labourers in respect of cottages, gardens, or allotments."

It had been stated the previous night that there was no opportunity whatever of drawing a distinction between the first statutory term and subsequent statutory terms. There was one case in which he was disposed to admit that the first statutory term need not be distinguished from subsequent statutory terms, and that was where the tenant at the end of the lease came in as a present tenant. He did not think there was any reason why at the end of a lease, say, of 40 or 50 years, a tenant, in virtue of his present tenancy, should take a further term of 15 years absolutely exempt from the statutory resumption. The Government would endeavour to provide in a subsequent Amendment that in the case of leases the lease itself should count as the first statutory term.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendment."—*(Mr. Gladstone.)*

MR. HEALY considered the proposal to be made by the Attorney General for Ireland an equitable one; but he wished to point out that the Amendment made in this House with regard to judicial leases had placed the future tenant in a worse condition than he would have been had the Bill passed in its original shape. A future tenant would be liable at the end of his lease to be turned out without a day's notice. He trusted the Government would see that future tenants should not be debarred from the benefit of the Act of 1870.

LORD EDMOND FITZMAURICE confessed that, in reality, this question, with the exception of resumption, was a much larger question than appeared on the face of it. He did not believe that if they deprived the landlord of the

The Attorney General for Ireland

right of resumption after the first 15 years they would ever be able to restore it. He was certain that if at the beginning of a second term of 15 years an attempt was made to reserve the landlord rights, a new and formidable agitation would arise. Practically, they were depriving the landlord of the right of resumption for ever, and in a short time they would see a short Act introduced assimilating the two statutory terms. He had no wish to divide the House; but he was anxious that this question should not be determined without his entering his protest in regard to it.

SIR STAFFORD NORTHCOTE said, the remarks in regard to leases which fell from the Prime Minister raised an important point which would have to be discussed on a subsequent Amendment. The Prime Minister argued that a distinction might be made between the position of the tenant at the end of a lease and other present tenants. He supposed they would have further information on that point when they came to discuss it. With regard to the present proposal on the Lords' Amendment, one would have thought a year ago that it was natural that the landlord should have the power of resuming a portion of his land for the general benefit of his estate; but they were now so entirely divorced from the old position of the landlords that he hardly knew how the Government were to deal with a question of this sort. Sometimes the Opposition were led to suppose that the intention of this measure was to get rid of landlordism altogether. But in that matter the Government did not go quite the length of the Land League. The Government said they ought to keep the landlords, but ought to regulate their relations with their tenants. That was the scheme on which the Bill was supposed to be based; but they were constantly coming across instances where the landlords were refused their clear rights. He was afraid that if they took away the legal rights of the landlord for 15 years it would be very difficult to restore them. It did not require much knowledge of Irish affairs to say that if the legal right of the landlord to resume possession for good reasons during the first tenancy was taken away, it would be very difficult, if not impossible, to re-establish it. The treatment of this question distinguished the spirit with

which all Amendments in which the right of the landlord was implicated were dealt with.

MR. W. E. FORSTER differed entirely from the right hon. Gentleman's criticisms. It was merely a question of yearly tenants obtaining a 15 years' lease. The object of the Government was not in any degree to abolish landlordism. The House, no doubt, would feel that, having thoroughly debated the matter previously, they could hardly be expected to go into the arguments again.

Question put.

The House divided:—Ayes 145; Noes 96: Majority 49.—(Div. List, No. 370.)

Amendment proposed to the words so restored to the Bill, in page 9, line 3, to leave out from the word "subject," to the word "satisfied," in line 7, both inclusive, and insert the words—

"Unless (a) such present tenancy has arisen at the expiration of a judicial lease, or of a lease existing at the time of the passing of this Act, and originally made for a term of not less than thirty-one years; or (b) it is proved to the satisfaction of the Court,"—*(Mr. Attorney General for Ireland,)*

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the said words so restored to the Bill."

MR. GIBSON, on a point of Order, inquired of the Speaker whether a decision on this point would not prejudice a similar question in a succeeding clause? He did not wish the question as to the termination of the lease, which would require to be hereafter discussed, to be got rid of on a side issue now.

SIR WALTER B. BARTTELOT, also on a point of Order, inquired whether it was competent for the Government to amend words which had been passed by this House and sent up to the Lords, and which the Lords rejected; the Lords' Amendment being rejected here, was it competent for the House now to amend the former words which were provisionally inserted in the Bill?

MR. SPEAKER replied that a similar question to that asked by the hon. and gallant Baronet was raised on the previous day during the consideration of the hon. Member's (Mr. Brand's) Amendment. In his opinion, it was competent for the House to amend words

restored to the Bill in consequence of the omission of certain words involved by the rejection of an Amendment by the Lords. That was the course which the right hon. and learned Gentleman proposed to take. With regard to the other question raised, he had not informed himself sufficiently to give a clear decision on the matter.

After Mr. GIBSON had consulted the Speaker for a few minutes,

MR. SPEAKER said, it appeared to him that the House would not be precluded from entertaining the point adverted to by the right hon. and learned Member when they reached the future clause of the Bill.

SIR STAFFORD NORTHCOTE said, he did not wish to discuss the merits of the Attorney General for Ireland's proposal; but he must point out the inconvenience of the course now being taken, and the remarkable conduct of the Government. They were now called upon to assent to words which they had not previously seen, and which the Government itself had apparently not contemplated a few minutes ago. He agreed with his right hon. and learned Friend (Mr. Gibson) that it was very difficult to judge the effect of a decision on this point now upon a subsequent clause which would have to be discussed. The Speaker had expressed his opinion that the Amendment would not preclude the future discussion of the question of leases; but that was a decision rapidly arrived at, and without a full consideration of the bearing of the Amendment. It was the duty of the Government to give a full explanation. Some intimation had been given, but it was so obscure that the House was not able to make out what it meant. In rejecting the Lords' Amendment there was an impression that the original words should be restored; but the substitution of other words without Notice might be in Order, but clearly was most inconvenient, and made proper consideration impossible.

MR. GLADSTONE said, if they were to conduct these conversations in a querulous tone and to listen to complaints without any ground whatever, it was quite idle to talk of limiting the discussion of this Bill. The complaint was that they had been obscure in the declarations of their intentions; but for what purpose was this Amendment pro-

posed? Why, to meet the views of Gentlemen opposite. He proposed an Amendment which had for its object the making of the lease a statutory term. He wanted to know whether that was obscure or not? Then they were told that there had been no notice. It was totally impossible for the Government, who were bound to review the whole of these Amendments, to prepare beforehand the Amendments which it might be their duty to propose on the Lords' Amendments, and that was the ground upon which he said that the complaints of the right hon. Gentleman were querulous—a disposition to make complaints for which there was no sufficient cause. It must be remembered that these words now proposed would be reviewed elsewhere; but if hon. Gentlemen opposite could suggest a better mode of proceeding, the Government were quite ready to consider it. He did not see how this Amendment would preclude the discussion to which the right hon. Gentleman referred, especially when they considered that they had the ruling of the Chair, a ruling unaccompanied with any doubt on the part of the Speaker, and with regard to which they were safe in relying upon.

SIR R. ASSHETON CROSS suggested they had better get on with Business; but he could not forbear saying that no one, throughout the whole debates on the Bill, could take the slightest exception to the conduct of his right hon. Friend (Sir Stafford Northcote). His right hon. Friend's observations were perfectly fair and just; and he heard with some surprise and disappointment the Prime Minister apply to them an epithet which was quite undeserved, and which he (Sir R. Assheton Cross) felt sure the Prime Minister would be the first to regret. They had come to the conclusion that as the Government had made up their mind last night to move the Amendment in question, it might have been placed on the Notice Paper.

MR. GLADSTONE said, the difficulty was that if they had done so others would have required other Amendments to be placed on the Paper also.

MR. W. H. SMITH observed, that hon. and right hon. Gentlemen near him could not accept the responsibility of this Amendment. It had come upon them by surprise, and they were quite

Mr. Speaker

incapable of expressing any judgment upon it. He would, therefore, advise his Friends not to divide against it.

Question put, and *negatived*.

Words *inserted*.

Page 9, line 14, leave out ("may, if it think fit,") and insert ("shall, if the landlord so requires,") the next Amendment, read a second time.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the clause originally provided that the Court "may, if it think fit," disallow such application; but the Lords changed that to "the Court shall, if the landlord so requires." He thought the discretion originally given to the Court should be retained, and moved to disagree with the Lords' Amendment.

Motion *agreed to*.

Page 9, line 16, leave out from the first ("the") to the end of the sub-section, and insert—

("Permanent improvements in respect of which, if made by the tenant or his predecessors in title, the tenant would have been entitled to compensation under the provisions of 'The Landlord and Tenant (Ireland) Act, 1870,' as amended by this Act, have been made by the landlord or his predecessors in title, and not by the tenant or his predecessors in title,")

—the next Amendment, read a second time.

On Motion of Mr. ATTORNEY GENERAL for IRELAND, Amendment amended, by inserting, in line 6, after the word "made," the words "and substantially maintained."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved to insert, in line 7 of the Amendment, "and" for "or."

Mr. GIBSON said, he was not sure that the Amendment might not be attended with serious results. His objection to the Amendment was that under it the landlord would not be able to get the moderate benefit of the provision unless he could prove that the improvements in question were made by himself and his predecessor in title.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, it was intended to provide that the maintenance should be continuous, and the difficulty was that the words "the landlord" or "his predecessor" did not involve continuous maintenance.

Mr. GLADSTONE said, if the improvements had been made 50 years ago, and if they had been substantially maintained by the landlord and his successor in title, that would be sufficient.

LORD JOHN MANNERS said, it might be sufficient for right hon. Gentlemen opposite; but the question was, whether it would be sufficient for the Courts? It would be a great pity that the present opportunity for making it clear should be lost. He understood the Government wished it to be enacted that the improvements should be made by the landlord or his predecessor in title, and maintained by the landlord and his successor; why not, then, insert the necessary words to express that intention?

Amendment *agreed to*.

Lords' Amendment, as amended, *agreed to*.

Page 9, line 33, after the word "fixed," insert the words—

"(6.) Subject to rules made under this Act, the landlord and tenant of any present tenancy to which this Act applies may, at any time, if such tenancy is not subject to a statutory term, or, if the tenancy is subject to a statutory term, then may, during the last twelve months of such term, by writing under their hands, agree and declare what is then the fair rent of the holding; and such agreement and declaration, on being filed in Court in the prescribed manner, shall have the same effect and consequences in all respects as if the rent so agreed on were a judicial rent fixed by the Court under the provisions of this Act,"

—the next Amendment, read a second time.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the Government thought this new sub-section was an improvement, and would ask the House to accept it. They expected the Court would lay down rules which would secure the perfect freedom of the parties to come to an agreement of this kind.

Mr. HEALY moved an Amendment to omit the word "present" before tenancy. He did not see why the Government should stand in the way of the landlord, and a future tenancy having the same rights as a landlord of the present tenancy.

Amendment proposed to the said Amendment, in line 2, to leave out the word "present."—(Mr. Healy.)

Question proposed, "That the word 'present' stand part of the said Amendment."

MR. GLADSTONE said, he did not know whether the hon. Member had carefully considered the effect of his Amendment; but it seemed to the Government to be really a circuitous mode of making a clear distinction between the present and future tenancies; and if that was so, of course they could not accept it.

MR. HEALY said, that was his intention.

Amendment to the said Amendment, by leave, *withdrawn*.

Amendment agreed to.

Page 9, line 39, sub-section 8, leave out from the word "term," to the word "in," in line 41, and insert the words "and on any such application no rent shall be made payable," the next Amendment, read a second time.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) moved to disagree with the Amendment. He said, he should propose, subsequently, to add words defining the improvements on which no rent was to be paid as such as the tenant would be entitled to be compensated for under the Land Act of 1870.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendment."—*(Mr. Attorney General for Ireland.)*

MR. GIBSON said, the way the matter was now proposed to be left by the Government was this—they proposed that no rent should be paid under any circumstances upon any improvement made by the tenant at any time, or by his predecessor in title. The sole restriction which his right hon. and learned Friend desired the House to accept was that improvements in respect of which the tenant had received compensation should be omitted from the proposal of the Government. He apprehended that the Land Act of 1870 would show that even under that restriction grievous injustice might be done to the landlord. He did not say it would be done in many cases; but he would indicate how it might work. Under the Land Act of 1870 it was quite true that there was no restriction of time with respect to permanent improvements. The Land Act of 1870 said, and this Bill said, that a tenant, at the end of a statutory term,

might apply to the Court to determine what would be a fair rent for the next statutory term, and the tenant might say that no rent should be payable in respect of any tenants' improvements, whether buildings or reclamation of waste lands. The Amendment introduced by the Lords was introduced to effect the object of the hon. Member for Wexford (Mr. Healy), and to do so by words almost the same as those of his Amendment. The Prime Minister was trying, by the Amendment moved by the Attorney General for Ireland, practically to cut down all restriction, and to unduly lower the landlord's interest.

MR. GLADSTONE said, the words moved by his right hon. and learned Friend were, as appeared by the Notice Paper of the House of Lords, the same words as the Marquess of Salisbury intended to move, although he afterwards receded from them. The Government certainly did not think that rent ought to be charged on improvements for which the tenant was entitled to be paid.

MR. A. J. BALFOUR said, he thought the Government were seized with great admiration for the Amendment of the Marquess of Salisbury, especially when he did not move it. The words of Viscount Monck, which were adopted by the Marquess of Salisbury, were much better than those originally set down in the Notice Paper; and he could not see why the Government should prefer vague words rather than those which were clear and precise. At the beginning of a statutory term the rent was fixed, and it was fixed in view of improvements made by the tenant. When, at the end of a statutory term, the tenant again came into Court and asked that the rent should be adjusted, it was perfectly proper that the landlord should not allow any improvements to be considered which were made before the first rent was fixed. The effect of the Lords' Amendment would be to carry out that object, and he hoped the House would adhere to the Lords' Amendment.

MR. HEALY said, he thought it would be a cruel thing for landlords to be allowed to charge rent on account of improvements made by tenants, the result of the sweat flying out of them for many long years. Viscount Monck, who wanted to make the tenants pay rent on

their own improvements, it should be remembered, was a Member of the Beesborough Commission.

Question put.

The House *divided*:—Ayes 256 ; Noes 147 : Majority 109.—(Div. List, No. 371.)

Consequential Amendment proposed to the said sub-section in page 9, line 42, after the word "title," insert the words—

"And for which the tenant would be entitled to compensation under the provisions of 'The Landlord and Tenant (Ireland) Act, 1870,' as amended by this Act."—(*Mr. Attorney General for Ireland.*)

Question proposed, "That those words be there inserted."

MR. GIBSON regarded this Amendment as a most important one ; but he did not propose to repeat observations he had already made. He desired, however, to ask the Government a question. Did they propose that, if any tenant was able to show that improvements had been made on his holding of a permanent character, or that waste lands had been reclaimed any number of years ago, he should be entitled to a diminution of rent, and that the landlord should have no power of showing that the rent had been moderate and that the tenant had received the benefit of his improvements ? Under the Bill as it stood there was nothing to intimate to the Court that those facts should be taken into account.

MR. W. H. SMITH wished to ask the Government one question on this matter. In the event of an agreement having been made with the tenant, under which the tenant was bound to reclaim land and make other improvements, in consideration of which agreement a low rent was charged, and made payable for a long period of time, after which the land would come into the landlord's possession, he wanted to know how the landlord's right was preserved under this Act, as he saw no provision which would secure to the landlord the increased value of the property he was entitled to have, looking at the fair arrangements made between the landlord and tenant.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, if the tenant had been already paid for his improvements he would not be entitled to

have the rent kept low because of the improvements, which could no longer be considered his.

MR. HEALY said, the House of Lords lost nothing whatever by inserting as many hostile Amendments as they could, and the Government now seemed disposed to give them a great deal of what they asked. The Whigs and Tories were allowed to hammer the Ministry upon the anvil as much as they liked ; but the Radical supporters of the Government, who agreed with the Irish Members in thinking that the Irish tenants should be relieved from their difficulties, did not seem to have a tongue amongst them, for they allowed the Bill to be cut to pieces like a corpse on the dissecting table. The words the Government now proposed to interfere with gave more satisfaction to the Irish tenants than almost any other part of the Bill ; and now, at the last moment, the Government dissipated the hopes they raised by giving in to the House of Lords. Home Rule Members had been told that they not merely fostered, but lived by agitation. Well, if they lived by agitation, the Government were now supplying them with the breath of their nostrils. The fact was the Bill was but a patchwork and compromising measure ; and the tinkering of the House of Lords to which the Government were about to give countenance would leave behind reminiscences which would not soon be forgotten.

MR. MITCHELL HENRY said, he did not admire the style of argument by which the hon. Member opposite (Mr. Healy) tried to obtain advantages for the Irish tenant. He (Mr. Mitchell Henry) remembered that when the words referred to were inserted he got up and said to the right hon. Gentleman that there were no words in the whole Bill which would convey so much comfort to the Irish tenant as those which were now going to be tampered with. The raising of rents in consequence of improvements made by tenants was the very basis of all agitation in Ireland. The great principle in the words in question could be comprehended by the whole of the tenantry of Ireland ; but the rest could not be comprehended even by the most intelligent. The words in question were going to be altered, for what purpose it was impossible to say. He asked the Prime Minister, who, he

feared, had been altogether misled upon the subject, to take the course which he took yesterday, to retract the alterations proposed by the Attorney General for Ireland, and to stick to these words and require them to become law. If he did that it would do more to insure a favourable reception for the Bill in Ireland than any other thing that could be done. It would do more than anything else could to insure the success of the Bill and to prevent our having a new agitation in Ireland.

MR. GLADSTONE said, the Amendment moved by his right hon. and learned Friend was in complete conformity with the intention with which the original words were adopted. He was afraid, however, the original words were wider in scope, and that if they were totally unqualified the tenant might be entitled not only to claim compensation for certain improvements in the shape of buildings, and the reclamation of land which might have been made at a remote day, but likewise he would be able to claim compensation for improvements for which he had already been paid, such, for example, as had been mentioned by the right hon. Gentleman the Member for Westminster (Mr. W. H. Smith)—namely, for improvements which had been made under a positive covenant requiring the tenant to make them, and for which payment was made to him in the shape of a low rent. Under these circumstances, the Government could not recede from the Amendment, which was intended to give roundness and completeness to the enactment they proposed. The Amendment stood on a perfectly clear and intelligible principle—namely, that the tenant should be liable to be charged rent upon improvements for which he was not entitled to be paid, and that he should not be charged rent upon improvements for which he was entitled to be paid.

MR. CHARLES RUSSELL said, the Amendment was not on the Paper, and Members had great difficulty in following the exact intention of the Amendment. The apprehension in his mind had not been removed entirely by the statement of the Prime Minister, and he would tell the House why. He entirely agreed with the right hon. Gentleman the Member for Westminster (Mr. W. H. Smith) and with the Prime Minister

that it would be, of course, absurd in a case where a tenant had been paid for improvements, and these had become the property of the landlord, to allow the tenant to claim the right to pay only a low rent because of improvements he had made. But, as he read the clause, he understood it would stand thus—that no rent should be allowed or be made payable in any proceedings under the Bill in respect of a certain class of improvements—that meant in respect of other improvements—not limiting itself to improvements for which the tenant had been paid, and which had become the property of the landlord, but left at large.

SIR STAFFORD NORTHCOTE said, he thought the discussion illustrated the extreme difficulty they were placed in in endeavouring to regulate these matters, and he thought the difficulty had been increased by the attempt which the Government had made in their Bill to lay down directions, which were, after all, but imperfect directions, as to the mode in which different cases were to be dealt with. With regard to this particular case, he thought they were all agreed that they should protect the tenant against any rent being charged in respect of improvements he had made. But then the words proposed might, without any guard, render it impossible for a landlord to raise the rent with reference to improvements for which the tenant had been already paid. The Government had so far felt that, that they were desirous of introducing words which by reference to the Act of 1870 might show that the preserving a tenant from rent charged for his improvements did not apply to cases of that sort. A clear definition was desirable, and he would make the suggestion that instead of the words proposed referring to the Act of 1870 some other words should be added in the form of a proviso at the end of the words now proposed, and the words he would suggest were—

“Provided that the Court shall take into consideration the time during which such tenant may have enjoyed the advantage of those improvements, and also the rent at which such holding has been held, and any benefits which such tenant may have received from the landlord in consideration, expressly or impliedly, of the improvements so made.”

The hon. Member for Wexford cheered that ironically.

Mr. Mitchell Henry

MR. HEALY : Because the Government refused that to the hon. Member for Cork yesterday.

SIR STAFFORD NORTHCOTE said, he thought he had not been mistaken in the Gentleman who cheered. Those words were themselves taken from the Act of 1870 with reference to the cases in which the Court was to award compensation to the tenant for improvements made by him. Under that Act the Court was to take into consideration the time during which the improvements had been enjoyed, and so forth. But that section was confined to the case of improvements made before the passing of the Act of 1870 on a holding held by the tenant under a tenancy existing at the passing of the Act. The original sin of the present Bill was that it attempted to deal with those matters by a Court, and that had been made more difficult by the particular way in which they had chosen to deal with the directions to be given to the Court. However, they had accepted that principle of the Bill which involved the intervention of the Court, and they were obliged to give it such directions as might make the matter clear. He submitted the words which he had read to the House as, perhaps, indicating the only way in which they could satisfactorily get out of their difficulty.

MR. SHAW agreed with those who thought that the change proposed in that clause would act very injuriously on the public mind in Ireland. The words of the sub-section were of too wide and general a character, and, if left as they were now, they might lead to serious misunderstanding. If those words were adopted without any qualification such as the Government proposed, it would be possible in many districts in the North of Ireland to raise the rents 50 per cent on the improvements of the tenants. The improvements for which the tenant could obtain compensation under the Act of 1870 or under the Bill were permanent buildings and reclamations of waste land; but for those gradual improvements made by the tenant year by year, until an almost barren region now looked like a garden, the tenant might under that clause have to pay an increased rent. He did not think that was the wish or the intention either of the Government or of right hon. Gentlemen opposite; but it would lead to

agitation and unpleasantness such as they had heard nothing of. The North of Ireland was a peculiar place, its people were a peculiar people; and he did not desire to see that part of the country whipped into an agitation on that or on any other subject, because there would be a great deal more than words in such an agitation. Probably some words might be inserted in the Bill by which the Court might have under its review fertilizations and other improvements on which the tenants of the North of Ireland would consider it a very heavy grievance to be charged additional rent. That was one of the most serious questions which had yet come before the House upon those Amendments, and he hoped that the Government would see some way out of the difficulty.

MR. GIVAN believed that no change made in the Bill since it left the House had caused more bitter disappointment in Ulster than the one now under consideration. He was also much surprised that the Government should think for a moment of making the proposed addition to the sub-section. It was inconceivable that the Court would give the tenant compensation for improvements which he had already been actually paid for. If they looked at the Act of 1870 they would see distinctly the limited nature of the power given to the Court to award compensation for improvements, because the tenant was excluded by that Act from all improvements made 20 years before the claim, except permanent buildings and the reclamation of waste lands. He need scarcely remind the House that a great many of the improvements which were made by the tenant farmers in the North of Ireland were improvements which could not come under the head of reclamation of waste lands. For instance, improvements—such as planting trees, levelling fences, making roads, and a hundred other things which had been accomplished by the tenants of the North of Ireland, and rendered their holdings much more valuable than they were before, and which did not come under the exception of sub-section A, Clause 4, of the Land Act of 1870. Consequently, his experience had been—and he knew also the experience of many of the County Court Judges was exactly the same—that, owing to the wording of the sub-

section in question, they had been tied down from giving sufficient compensation for improvements to tenants, and were not able to decide in favour of many just and equitable claims. He respectfully suggested to the Government that they should not accept these words, and thus avoid imposing a very harsh limitation upon the tenant.

MR. PLUNKET felt sure that no one in the House wished that either in Ulster or in any other part of Ireland there should be a confiscation of the improvements of the tenant by the action of the Court or by a capricious addition to rent. His right hon. Friend (Sir Stafford Northcote) had proposed words which he thought the majority of the House would be prepared to adopt in their substantial sense, if not in their precise form, if any direction was to be given to the Court. Those words were taken from the 4th section of the Land Act of 1870. He would ask the Government to make a provision which was clearly contemplated in the Act of 1870, and which, by applying the 4th section of that Act to the process of fixing the fair rent, might not be wholly unsatisfactory.

MR. LAING said, he did not wish to take up the time of the House; but he thought the difficulty might be got over if the Government would add these words to the sub-section—

“For which the tenant or his predecessors in title shall not have been paid or compensated by the landlord or his predecessors.”

This, he thought, did not interfere with the prohibition against raising rent for tenant's improvements, but took out the cases which had been pointed at in the course of the discussion.

MR. W. FOWLER said, he thought the suggestion worthy of consideration, and he had intended to make a similar suggestion—namely, to add the words—

“For which the tenant shall not have already received payment or compensation from the landlord.”

MR. T. P. O'CONNOR said, he thought that if the Government adhered to their proposal the clause had better be left out altogether, because it would take away concessions to the tenant which had already been made and would transform a boon into an injury.

MR. MACARTNEY said, he hoped the Lords' Amendment would be accepted by the House, as he believed it

would give general satisfaction to the North of Ireland.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, he did not think that the House could well accept the proposal of the right hon. Member for North Devon (Sir Stafford Northcote). To select one provision of the Land Act in Clause 4 and reproduce it there in the Bill would rather suggest that the rest of Clause 4 was not to be incorporated, and would thus only create confusion and perplexity. The clause of the Act of 1870 to which the right hon. Baronet referred was made to apply only to tenancies existing at the passing of the Act, because it was intended that future tenancies should be contracts made by persons with their eyes open. The principle now to be kept in view was that the tenant was not to be charged rent for what was his own property. There were, he feared, practical difficulties in the way of adopting the suggestion of the hon. Member for Orkney (Mr. Laing). It might do very well if they were only dealing with recent events; but it would not be easy, in cases where they had to go back a great many years, to show that improvements made by the predecessor of the tenant had been paid for by the predecessor of the landlord. He did not see his way at this moment to accept the words suggested by the hon. and learned Member for Dundalk. The Government were, however, not so wedded to their own proposal as to be unwilling to adopt any other which would operate fairly both to landlord and tenant. He was afraid that the object they all had in view could not be effected with mathematical accuracy and precision, but they might attain substantial justice; and he hoped to discover some mode of meeting the fair requirements of the case.

At this point the SPEAKER left the Chair for 10 minutes.

When the Chair was again taken,

MR. EDWARD CLARKE commented upon the state of indecision which the Attorney General for Ireland appeared to be in on the subject under discussion, and thought it would be a much safer course for the House to abide by the Amendment originally proposed than adopt the result of the consultation which had just taken place while the Speaker was absent.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that what the Government desired to do was to deal justly with the claims of both landlord and tenant; and he thought it was only a man who had an absurdly good opinion of himself who would refuse to consider all suggestions made for improvement of so important and intricate a measure as the present. The Government, not being particularly wedded to their own Amendment, had, on consideration, decided to adopt words which he thought were substantially the same as what had been proposed by the hon. Members for Dundalk, Orkney, and Cambridge. He had found, on further consideration, that the Land Act of 1870 furnished a corrective for the difficulty which he chiefly feared. Where a tenant could prove by witnesses that he had made improvements, of course he would be allowed for them. Again, if there were no living witnesses, the tenant must of necessity resort to the presumption enacted by the 5th section of the Act of 1870. But that presumption was itself restricted to improvements made by the tenant within 20 years before the passing of the Act. The landlord would therefore, he thought, be perfectly safe under the circumstances; and, accordingly, the Government were willing to accept these words in substitution for their own proposal in respect of improvements made by the tenant or his predecessors in title—

"And for which, in the opinion of the Court, the tenant or his predecessors in title shall not have been paid or compensated by the landlord or his predecessors in title."

He asked leave to withdraw the original Amendment proposed by him in favour of the one he had now read.

SIR R. ASSHETON CROSS said, this was not the first time the Attorney General for Ireland had placed Amendments on the Paper, and then, after they had led to a certain amount of discussion, asked permission to withdraw them. He had now made a complete change during the short time the Speaker was absent for luncheon. In the first instance, the right hon. and learned Gentleman spoke strongly in favour of his own Motion, and then he found in the Land Act a provision which relieved him of all his difficulties. Under these circumstances, the proposal of the Attorney General for Ireland to withdraw

his Amendment would be resisted from that (the Opposition) side of the House.

Question put.

The House divided : — Ayes 138 ; Noes 272 : Majority 134.—(Div. List, No. 372.)

Consequential Amendment proposed to the Bill, in page 9, line 42, after the word "title," to insert the words—

"And for which, in the opinion of the Court, the tenant or his predecessors in title shall not have been paid or compensated by the landlord or his predecessors in title."—(Mr. Attorney General for Ireland.)

Question proposed, "That those words be there inserted."

MR. GIBSON said, that if any time had been lost at that stage of the Bill the Government alone was to blame. They had had ample time to consider the Bill in all its various stages, and here was the result. They came down to the House with a distinct proposal, which was introduced by the right hon. and learned Gentleman in a speech of 10 minutes, and which was presented from the Chair for the acceptance of the House. Afterwards, however, the right hon. and learned Gentleman announced that the Government had so far modified their views that they advised the House to accept suggestions which had been made by some other hon. Members. The result of all this was that they had just divided on the Government proposal, and the Government had voted against their own Amendment. Now, the proposal against which the Government had just divided was one which had had the sanction of Mr. Butt and of the hon. Member for the County of Cork (Mr. Shaw), when he proposed a Bill. The Amendment differed from the present one in some important particulars. The present proposal had been drawn up at a moment's notice, he believed, by the hon. and learned Member for Dundalk (Mr. C. Russell), and it was now suggested for the acceptance of the House. For one thing, the present Amendment had no express limit as to time, and the only qualification stated was that the tenant must show that he had not been paid or compensated. The argument in favour of this extremely vague and loose qualification was, no doubt, strengthened a little by the fact that there was some period of time in respect of which the presumption would not be

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against the landlord. But the qualification should have stated in terms some limit as to time, and some reference as to the value of the improvements. In his opinion, the Amendment was unsatisfactory, as being without express limit as to time—unsatisfactory, inasmuch as it did not take sufficient account of the value of the improvements at the date of claim, and most unsatisfactory as it did not adequately direct the attention of the Court to some of the most important elements which any Court should fairly take into account. These matters had been referred to in the suggestion of his right hon. Friend (Sir Stafford Northcote); but they had been but lightly touched by the Attorney General for Ireland. The words now before the House, however, contained some limit which the Bill, as it stood, did not; and he would not, therefore, vote against them.

MR. GLADSTONE said, so far as the speech of the right hon. and learned Gentleman was an attack or a censure upon the Government he did not propose to deal with it. His duty—although it was quite within the licence of the right hon. and learned Gentleman to use the time of the House in attacks of that kind—was to reply to the arguments so far as they admitted of an answer. The right hon. and learned Gentleman objected to this Amendment; he likewise had argued in favour of an Amendment not directly before the House. The first objection was that there was no limit of time within which the tenant might be compensated. There was no limit of time wherever the tenant was able to prove that the improvements were his; but there was a distinct limit of time where he could not prove that, and that limit was the limit of presumption under the Land Act of 1870. The presumption under that Act stopped at a certain point—except where, in rare cases, the tenant would be perfectly entitled to compensation—and beyond that point he had no presumption, and the improvements would be taken to be the property of the landlord, and part of the holding which the tenant took. With reference to there being no limit of value, that limit was this—improvements were to be tested by the addition they made to the letting value of the holding. Those were matters included in the Amendment before the House,

Mr. Gibson

particularly in the words “paid for or compensated by the landlord or his predecessors in title.” The Government held that the Amendment was just and fair; and he did not believe that the practical difference between the Amendment of the Government and that which they had determined to abandon was great. But that was a matter upon which it was not necessary to enter. The Amendment covered the whole case laid down by the right hon. and learned Gentleman.

Question put, and *agreed to*.

SIR STAFFORD NORTHCOTE said, he thought he should be in Order in moving the Amendment which he was about to move. The right hon. and learned Gentleman opposite had taken objection to the Amendment because it was incorporating into the Bill the provisions of a certain section of the Act of 1870, and by so doing it might be held to exclude other parts of that Act. But he intended the words as substantive words, and not merely as a reference to the Act of 1870. All agreed that there should be a proper instruction to the Court to preserve the rights of the tenants, with a due consideration of the rights which they had already enjoyed. The words he proposed were deliberately adopted in an analogous case in the Act of 1870.

Consequential Amendment proposed to the Bill, at the end of the foregoing Consequential Amendment, insert the words—

“Provided, That the Court shall take into consideration the time during which such tenant may have enjoyed the advantage of such improvements, also the rent at which such holding has been held, and any benefits which such tenant may have received from his landlord in consideration, expressly, or impliedly, of the improvements so made.”

Question proposed, “That those words be there inserted.”

MR. GLADSTONE said, that the Government could not agree to the proposed words. So far as they laid legitimate ground for consideration, he had already shown that they were included in the words which had already been admitted. A low rent or other material money benefits given by the landlord in respect of improvements was completely provided for. But there was another Amendment in the words in respect to

which they were not prepared to give the same approbation. That was that—

“The Court shall take into consideration the time during which such tenant may have enjoyed the advantages of such improvements.”

The doctrine accepted at the time of the Land Act of 1870, and which he certainly declined to accept the night before, was the doctrine that the enjoyment by the tenant for a certain time of his own improvements might have reimbursed him for the cost of those improvements, and by a natural process they passed over to the landlord. But that was not the basis upon which they proceeded now, and there was no occasion for it. The tenant's improvements were the tenant's own property, and he would not admit the principle that the time during which he had enjoyed those improvements was any reason for their passing away from him.

MR. W. H. SMITH said, that the words of the Prime Minister would lead to the inference that in no case under, for example, a building lease should the buildings put up by the lessee come into possession of the landlord. [“No!”] The principle laid down was that the person who took the property at a low rent from the landlord, and erected permanent buildings upon it, should for ever retain those buildings. [MR. GLADSTONE: No!] He was glad the right hon. Gentleman disavowed that inference. But what was his objection to the words? Why should the tenant, already compensated by the lowness of the rent, be compensated again?

Question put.

The House divided: — Ayes 147; Noes 277: Majority 130.—(Div. List, No. 373.)

Page 9, line 42, after the word “title,” insert the words “during such statutory term;” and also insert, as a new sub-section—

“(9.) The rent of a holding shall not be reduced in any proceedings under this Act on account of any money or money's worth paid or given by the tenant or his predecessors in title, otherwise than to the landlord, on coming into the holding,”
—the next Amendment, read a second time.

MR. GLADSTONE said, he should like to know if the right hon. Baronet (Sir Stafford Northcote) intended to move to insert after the word “given,” in the

new sub-section, the words “during the statutory term.”

SIR STAFFORD NORTHCOTE said, he would like to know the view of the Government on the matter.

MR. GLADSTONE: That the Amendment of the Lords and the right hon. Baronet were both bad.

SIR STAFFORD NORTHCOTE said, he would not propose the Amendment unless it would modify the objection of the Government to the Lords' Amendment. He should like to hear the objection to the clause as modified by the Lords.

MR. GLADSTONE said, they decidedly objected to sub-section 9, because, as the Bill was originally drafted, it was alleged against the Government — although they did not admit it — that they had introduced into the 7th clause expressions which led to the belief that the value of the tenant's interest was to be deducted from the fair rent before the fair rent was fixed. That they always disclaimed — that they were not two parts; but one of an actual whole — and that the principle of deduction was one which ought not to be mentioned in connection with the fixing of fair rent. On that basis the Bill was sent up to the House of Lords. The principle of deduction was now being introduced in the form of positive enactment. The Government denied that any deduction was to be made. They believed that the tenant's interest should be fairly estimated on its own ground under the 1st clause, and the fair rent similarly estimated under the 7th clause. The Amendment would produce a mischievous effect upon the minds of the people of Ireland. It was quite impossible to introduce the notion of deduction. With respect to the Amendment of which Notice had been given on the previous night, he admitted that it took the poison out of the Lords' Amendment, providing, as it did, that rent should not be reduced in respect of the price given by the tenant during the statutory term. Certainly not. The tenant entered on the statutory term subject to a fixed rent, and would make his bargains with his eyes open. But if it were to be enacted that no deduction in respect of the price given by the tenant during the statutory term should be made, the inference would be raised that such deduction was to take place after the term. The Court

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would be influenced in that direction with that enactment before it. In the interest of the landlord they could not agree to that proposed Amendment of the Lords' Amendment; nor, in the interest of the tenant, could he agree to the Amendment itself.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendment."—*(Mr. Gladstone.)*

SIR STAFFORD NORTHCOTE admitted that it was important to consider what inference might be drawn from the words proposed to be introduced. He only proposed to introduce those words—with respect to the price given during the statutory term—in the event of the clause being negatived by the Government. The object was to provide means of showing that the intention of the Lords was not to interfere with the existing rights of tenants in Ulster or elsewhere. The Government might say that the rent and the tenant's interest must be kept separate; but the saying so 50 times in the impressive manner the Prime Minister could say it would not alter the real condition of the case, which was this—that if a man had to give a large price for his holding, then he could only afford a low rent, or *vice versa*. The question was, when it came to an adjustment of those two considerations, which was to give way? In introducing the principle of free sale, undoubtedly the competition, or the "land-hunger," would increase, and many would be induced to bid high prices for holdings they desired to get. Having paid that, it would not be possible to pay the rent the farm had hitherto paid; and then came the question, which should give way—the rent or the amount which should be paid for tenant's interest? Was the tenant to be allowed to go to the Court and say the rent was exorbitant because of the high price he paid for his holding? That was a point against which the Lords' Amendment was intended to guard. He admitted that the Amendment of the Lords was susceptible of being misunderstood so as to interfere with the tenant's rights on account of money paid by him. But the object of the Amendment had been clearly expressed by his noble Friend the Marquess of Salisbury, and he thought that it ought to be accepted. It ought to be taken into consideration

that the Government were operated on by extrinsic influences—that was, the Land League; and the Amendment contained nothing unjust to the tenant.

MR. NEWDEGATE said, it appeared to him that the adoption of the Amendment now before the House was essential if effect was to be given to the declaration of the First Lord of the Treasury, that it was not the purpose of the Bill that the payment by the incoming to the outgoing tenant should interfere with the landlord's rent. The House should remember that it was now giving a direction to the Land Court, which was to be established by the Bill, for the purpose of insuring that the rent to be paid by the incoming tenant should be a fair rent. Now, unless the House declared by some terms equivalent to the purport of this Amendment that the payment or price for the occupation to be paid by the incoming to the outgoing tenant should not be taken into account in assessing that which was to be the fair rent payable to the landlord, all English practice proved that that payment for entry would be a prime element in determining the amount of rent thereafter to be received by the landlord. If, therefore, the First Lord of the Treasury was sincere in his repeated declarations, that those payments on entry should not affect the future rent, it was manifest that he ought to adopt the principle and purport of the Amendment now before the House. He said that not without information and experience, for it was he who moved for and carried the Select Committee on the Agricultural Customs of this country in 1848. He had been for years the lord of manors in this country, and he took a somewhat active part in the debates which preceded the adoption of the Agricultural Holdings Act; and he fearlessly asserted that unless the future fair rent was declared in the Bill to be a matter separate and distinct from the payments which the Bill contemplated as to be necessarily incident to entry upon, or to admission to, Irish holdings, the amount of those payments on entry would inevitably determine the amount of the future rent; whereas, if the amount of the fair rent be declared by the Bill to be a matter—as the First Lord of the Treasury said it ought to be—distinct and apart from those payments, the amount of the future fair rent to be paid by the incoming

Mr. Gladstone

tenant would limit and determine the amount of compensation, or whatever it might be, to be paid by the incoming to the outgoing tenant on entry upon, or admission to, the holding.

MR. A. J. BALFOUR understood that the Leader of the Opposition did not propose to move the Amendment of which he had given Notice last night, so that the House was not discussing the Lords' Amendment as it stood on the Paper. The Prime Minister said if the Amendment were accepted it would be misunderstood in Ireland. In plain words, then, if a clear definition of a principle, which the Government themselves admitted to be a right principle, were put into the Bill, a feeling of disappointment would spread throughout the whole of the Irish tenantry. This was an indication that this Bill was presented in a different colour to the House from what it was presented to the people of Ireland. It was to be a shield of gold on the one side, and of silver on the other. They were told that the Bill would only compel the landlord to do that which the good landlord had already done. The Irish tenants expected much more than that. They expected a substantial slice of the landlord's property. The Government, by their own admission, told them that was so. It was too late to prevent the Bill from violating all the recognized principles of legislation, and too late to prevent the whole of the agricultural property of Ireland from being put in the hands of a triumvirate. It was not too late, however, to prevent the income of Irish landlords from being unjustly reduced by the operation of this clause. This they could accomplish by adopting the Amendment. If that Amendment should be rejected the Bill would be open to the charge of being a scheme of public plunder.

MR. CHAPLIN supported the Amendment, not only as one of the most valuable among the Lords' Amendments, but also because it was in accordance with the repeated declarations of Members of the Government. He thought the House ought to accept the Amendment, and he hoped the Government would reconsider their decision. The Prime Minister disclaimed the idea of deducting tenant right from the rent. They had been repeatedly told it was not to be carved out of the rent; but

the Prime Minister said he did not admit that in the construction of the Bill. But the Court, under the 7th clause, would be compelled to take into consideration the amount paid to the tenant. It was quite true there was a nominal safeguard placed in the hands of the landlord against the price given for the tenant right being excessive. The Court would be obliged to decide the price on the basis of the price obtainable in the open market. He could not understand how, in justice or good faith, it was possible for the Government to refuse to accept the Amendment. He trusted that it would be sternly adhered to by the House of Lords.

Question put.

The House divided:—Ayes 268; Noes 133: Majority 135.—(Div. List, No. 374.)

Page 10, line 31, after ("tenancy") insert ("and for a term not exceeding sixty years"), the next Amendment, read a second time.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) advised the House to accept the Amendment, which gave the lessee a run of 60 years.

MR. HEALY asked the Attorney General for Ireland if he did not think that the future tenant was placed in a worse position by the changes in the clause than the present tenant? He thought the Government should do something to restore the future tenant to his former status.

Amendment agreed to.

MR. PARNELL asked, would he be in Order in moving the following addition to the sub-section referred to in the last Amendment?—

"Provided that no refusal by the tenant to accept a lease under the provisions of this section from his landlord shall be deemed by the Court to be unreasonable conduct."

MR. SPEAKER ruled that the Amendment could not be put.

Page 11, line 12, leave out from ("and") to ("considering") in line 14, the next Amendment, *disagreed to*.

Page 11, line 29, leave out ("as if no") and insert ("notwithstanding"); line 30, leave out ("had been taken") the two next Amendments, *agreed to*.

[Second Night.]

Page 13, line 13, after ("tenancy") insert—

"(6.) A tenant compelled to quit his holding during the continuance of a statutory term in his tenancy, in consequence of the breach by the tenant of any statutory condition, shall not be entitled to compensation for disturbance,"

—the next Amendment, read a second time.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) asked the House to accept the Amendment. The tenant was already precluded from claiming compensation in every case of a serious breach of statutory conditions; and there was, therefore, no harm in accepting the Amendment.

MR. HEALY said, the statement of the Attorney General for Ireland was true, generally; but he did not mention that the acceptance of this Amendment would make more numerous and more stringent the statutory conditions which would render the tenant liable to eviction.

Amendment *agreed to*.

Page 13, line 27, leave out ("may") and insert ("shall,") the next Amendment, *agreed to*.

Page 13, lines 31 and 32, leave out ("immediate landlord for the time being") and insert ("landlord being a limited owner,") the next Amendment, read a second time.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved to disagree with the Amendment.

MR. GIBSON thought his right hon. and learned Friend had not represented to the House the unfair position in which several landlords would be placed if some modification was not made in the Bill as it left this House. The clause, as it originally stood, meted out rather rough justice to the landlord, and he could quite understand that the Peers should have made this change. He did not intend to comment at length on the question; but he could not allow the Amendment to be disagreed to without entering his protest.

MR. MARUM thought that to allow the sub-tenants or occupying tenants to be displaced in the way the Amendment would bring about would be most unsatisfactory.

Amendment *negatived*.

Page 13, line 34, leave out ("next superior") and after ("being") insert ("succeeding to him in estate"), the next Amendment, *disagreed to*.

Page 14, after Clause 15, insert Clause B—

(Provision as to certain claims of pasturage and turbary.)

"Where the tenant of a holding by virtue of his tenancy exercises over uninclosed land a right of pasturing or turning out cattle or other animals in common with other persons, or exercises a right of cutting and taking turf in common with other persons (which right is in this section referred to as a common right, and which other persons, together with the tenant, are in this section referred to as commoners), then if such holding becomes subject to a statutory term the court may, during the continuance of such term, on the application of the landlord, or of any commoner, by order restrain the tenant from exercising his right of pasture or cutting or taking turf in any manner other than that in which it may be proved to the court that he is, under the circumstances and according to the ordinary usage which has prevailed, with the consent of the landlord, amongst the commoners, reasonably entitled to exercise the same,"

—the next Amendment, read a second time.

MR. PARNELL thought the words "on the application of the landlord" might be struck out, and the right restricted to the tenants, who would have the power of arranging their own disputes.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, if there were a number of tenants it was much better for them that the application should be made by the landlord.

On the Motion of Mr. ATTORNEY GENERAL for IRELAND, the Amendment was amended as follows, and *agreed to*:—In line 2, after "exercises," insert "in common with other persons;" line 3, after "animals," leave out "in common with other persons;" lines 5 and 6, after "persons," leave out "which right is in this section referred to as a common right, and;" line 14, after "the" insert "express or implied."

Page 14, line 6, after ("may") insert ("after service of the prescribed notice upon the landlord"); line 8, after ("land") insert ("in a situation to be approved by the landlord, or failing such approval to be determined by the Court"); line 12, after ("act") in-

sert ("and notwithstanding such sub-letting the tenant shall for the purposes of this Act be deemed to be still in occupation of the holding"), the three next Amendments, read a second time, and *agreed to*.

Page 14, line 13, leave out from the word "the," to the end of the Clause, and insert the words—

"Portion of any holding so let does not exceed half an acre in each case, and that the total number of such lettings of portions of a holding does not exceed one for every twenty-five acres of tillage land contained in the holding,"

—the next Amendment, read a second time, and *disagreed to*.

MR. O'SULLIVAN moved to omit the word "tillage." The retention of the word would make the Amendment ridiculous, as applied to holdings in Ireland. No average farmer tilled 25 acres of land.

MR. GIBSON asked what would a farmer having only 25 acres of pasture want a labourer's cottage for?

MR. PARNELL hoped the Government would agree to the Amendment of the hon. Member for Limerick, or to some substantial modification of the original clause.

MR. SPEAKER said, the hon. Member could not move an Amendment in the Bill which had not been touched by the Lords.

MR. PARNELL said, his hon. Friend proposed to move an Amendment to the words which had been kept alive by the rejection of the Lords' Amendment. He asked the Government, following out the precedents which they had adopted all the way through this Bill, not to lay down a hard-and-fast line, and limit the discretion of the Court in this matter. The limitation was too severe. It would be difficult to find 25 acres under tillage even on very large farms. In their case, then, there would be a paucity of labour. It was a mistake to think that labour was not required upon pasture land. It had to be drained, fenced, top-dressed, &c.

MR. O'SULLIVAN proposed to leave out the word "tillage," so that a labourer's cottage might be erected for every 25 acres on a farm.

Amendment proposed to the words so restored to the Bill in page 14, line 16,

to leave out the word "tillage."—(Mr. O'Sullivan.)

Question proposed, "That the word 'tillage' stand part of the said words so restored to the Bill."

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) explained that there was no hard-and-fast line laid down here at all. It was to remove the hard-and-fast line that the Lords' Amendment had been rejected. Where there were 26 acres there might be two cottages, if the Court so decided; and in the case of anything under 25 acres—with, say, five acres tillage and the rest pastureage—it would be possible for the Court to authorize one cottage to be built.

MR. O'SULLIVAN said, under these circumstances, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Page 14, line 36, leave out ("said Acts") and insert ("seventh section of the Act of the Session of the tenth and eleventh years of the reign of Her present Majesty, chapter thirty-two"), the next Amendment, read a second time, and *agreed to*.

Page 15, line 15, leave out sub-section 3, the next Amendment, read a second time.

MR. GLADSTONE said, this was an Amendment which it was impossible for them to accept. It was most important that where these pre-emptions were made, in the exercise of the special privileges of the landlords, there should not be an immediate creation of future tenancies in respect of them. It would tend to disturb that important provision of the Act which aimed at securing a certain period of tranquillity and stability in Ireland without any change at all other than might grow out of the failure on the part of the tenant to fulfil the conditions of his holding.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendment."—(Mr. Gladstone.)

LORD JOHN MANNERS thought the tranquillity which the right hon. Gentleman proposed to obtain would be procured by a provision essentially unjust and unfair; and he submitted that tranquillity in Ireland, or anywhere else,

produced by such means was not the sort of tranquillity to which the House ought to be a party. The Amendment of the Lords gave vitality and effect to the 1st clause of the Bill, which suggested to the landlord that he should exercise his right of pre-emption. That right was rendered entirely valueless and useless by the words which the Prime Minister proposed to retain, and which the House of Lords asked them to reject. With these words in the Bill the right of pre-emption would be a mere empty formula and a delusion.

Question put.

The House divided:—Ayes 242; Noes 124; Majority 118.—(Div. List, No. 375.)

And it being a quarter of an hour before Six of the clock, Further Consideration of Lords Amendments stood adjourned till *To-morrow*.

In reply to Sir STAFFORD NORTHCOTE,

MR. GLADSTONE said: We propose to proceed with this Bill as the first Order to-morrow. I hope that we may dispose of it at an early hour, and, if so, we shall then proceed with the Navy Estimates. It is intended to propose a Sitting on Saturday, and if this Bill should come back from the Lords we shall propose to proceed with it. The Navy Estimates will not be taken after 9 o'clock.

House adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, 11th August, 1881.

MINUTES.]—PUBLIC BILLS—Committee—Erne Lough and River * (149); Ecclesiastical Courts Regulation, *now* Discharge of Contumacious Prisoners (201).

Committee—Report—Metropolitan Board of Works (Money) (186); Superannuation (Post Office and Works) * (203); Central Criminal Court (Prisons) * (162); Leases for Schools (Ireland) * (188); Corrupt Practices (Suspension of Elections) * (208).

Third Reading—Public Works Loans * (196), and passed.

Royal Assent—Incumbents of Benefices Loans Extension [44 & 45 Vict. c. 25]; Burial Grounds (Scotland) Act (1856) Amendment

[44 & 45 Vict. c. 27]; Reformatory Institutions (Ireland) [44 & 45 Vict. c. 29]; Metallic Mines (Gunpowder) [44 & 45 Vict. c. 26]; Seed Supply and other Acts (Ireland) Amendment [44 & 45 Vict. c. 28]; Turnpike Acts Continuance [44 & 45 Vict. c. 31]; Customs (Officers) [44 & 45 Vict. c. 30]; Public Loans (Ireland) Remission [44 & 45 Vict. c. 32]; Summary Procedure (Scotland) Amendment [44 & 45 Vict. c. 33]; Coroners (Ireland) [44 & 45 Vict. c. 35]; Metropolitan Open Spaces Act (1877) Amendment [44 & 45 Vict. c. 34]; British Honduras (Court of Appeal) [44 & 45 Vict. c. 36]; Alkali, &c. Works Regulation [44 & 45 Vict. c. 37]; Commons Regulation (Shenfield) Provisional Order [44 & 45 Vict. c. clxi]; Local Government Provisional Orders (Acton, &c.) [44 & 45 Vict. c. clxii]; Tramways Orders Confirmation (No. 2) [44 & 45 Vict. c. clxiii]; Tramways Orders Confirmation (No. 3) [44 & 45 Vict. c. clxiv]; Water Provisional Orders [44 & 45 Vict. c. clxv]; Alsager Chapel (Marriages) [44 & 45 Vict. c. clxvi]; Elementary Education Provisional Order Confirmation (London) [44 & 45 Vict. c. clxvii].

PRIVATE BILLS.

Standing Orders Nos. 22, 33, 91, 114, 115, 116, 117, and 140a considered and amended, and to be printed as amended. (No. 167.)

SOUTH AFRICA—THE TRANSVAAL STATE—THE BOUNDARIES.

OBSERVATIONS. QUESTION.

LORD BRABOURNE called attention to the Convention just concluded with the Transvaal Boers, the 1st Article whereof stated that the new Transvaal State would "embrace the land lying between the following boundaries," and added—"here follow three pages of definitions of Boundaries"—without any clue to what these were. He (Lord Brabourne) reminded their Lordships that in the Instructions which the Secretary of State for the Colonies gave to the Commissioners on 31st March, he entered with some elaboration into the condition of the different districts of the Transvaal with reference to the numbers of the Native population resident in each, and suggested that one or more of these districts should be severed from the Transvaal for the better protection of the Natives, and the greater security of peace for the future. He wished to ask the noble Earl (the Earl of Kimberley), Whether his suggestions had been wholly, or in part, accepted, or whether they had been discarded and set at nought by the Commissioners; in fact, whether the noble Earl could state what the new boundaries would be, and

Lord John Manners

whether any future Papers to be presented in reference to the Transvaal would comprise a map of the new State?

THE EARL OF KIMBERLEY: My Lords, in answer to the Question of my noble Friend, I may state that, after full consideration, it was decided not to sever from the Transvaal any part of the territory which had previously been considered to belong to the State. My noble Friend will see that I have not got the full text of the Convention, simply because it was not thought worth while to have three pages of definitions telegraphed; but I can give him the main definitions of the boundary as they were telegraphed before the Convention was signed—

“External Boundaries of Future Transvaal State.—On the South as at present; on the South-east, the boundaries of Zululand and Swaziland as lately defined under the authority of Her Majesty's Government; on the East, boundaries of Lydenburg and Zoutpansberg at present recognized; on the North by the Limpopo River; on the North-west and West, the boundaries as laid down in 1880 by the Colonial Government; and on the South-west by the boundary of the Keate award, as recommended. It will leave outside the Transvaal the Barolong Chiefs Montsioa and Moshete, the Korama Chief Massou, and the Batlapi Chiefs Mankaroane, Mathlabani, and the ex-chief Gasibone.

“Keate Award Territory.—The new boundary line proceeds from Ramathlabama in a southerly direction till it reaches the Hart River below the Salt Pans, thence along that river to Manusa, and then through Koppie Inkel to the boundary of Griqualand West, midway between the Vaal and Hart Rivers. It will leave within the Transvaal all occupied Boers' farms held in title, except portions of two, and exclude about 75 registered but unoccupied farms, the titles of which will be cancelled, the owners receiving such compensation as the Volksraad may assign.”

When the Government receives the Convention in full, and Papers are presented, I will take care that a map is included.

ECCLESIASTICAL COURTS REGULA-

TION BILL.—(No. 201.)

(*The Earl Beauchamp.*)

COMMITTEE.

Order of the Day for the House to be put into Committee read.

LORD ORANMORE AND BROWNE said, he wished to make a few remarks at that stage of the Bill. He did not from its title know the nature of it, and

therefore he was not in the House when it was read a second time; but, as he was a member of the body through whom Mr. Green was now in prison, he desired to make a few remarks. In bringing forward the Bill, the noble Earl in charge of it (Earl Beauchamp) begged the whole question by calling in question the legal action and authority of the Courts that dealt with the case. When a case went against a person, he was always inclined to think the law was bad and badly carried out; and in Ireland, where at present lawlessness prevailed, the lawless parties felt exactly the same thing. They said they did not like the law, and therefore would not obey it. The plea was one he certainly should not have expected from anyone in the position of the noble Earl. There might be reasons for changing the constitution of a Court or of the law; but, while they existed, every good subject of the Queen should consider that he ought to be bound by the law, and to obey the Court. The most rev. Primate (the Archbishop of Canterbury) had again and again stated that the Courts having arrived at a decision, it was necessary to enforce the law; but when, after a struggle of years, it was enforced, he moved for a Commission which had been treated as calling in question the authority of the Courts that administered the law, and now he would send back Mr. Green to carry on without check his illegal proceedings. Under the circumstances, it was not surprising that it was said that indirectly the most rev. Primate and the right rev. Bench had given encouragement to the lawlessness that existed in the Church. The noble Earl wanted to know why did the Church Association select a poor parish, and attack Mr. Green, the clergyman of that poor congregation, and his friends in their illegal practices, instead of attacking a rich one? The answer was plain. The Church Association were obliged to take up cases in defence of poor congregations. The poor could not defend themselves. They could not choose their Church, but were obliged to attend the one in their own neighbourhood; the rich could do so, backed as Ritualistic clergymen were by the funds of the Church Union. The most rev. Primate asked that Mr. Green should be allowed to return to his cure of souls and carry on illegal practices. Did the most rev,

Primate consider that this was a matter of no importance? It was of far greater importance than the inconvenience Mr. Green suffered from his own contumacy. It was to prevent this wrong that Mr. Green was kept in prison. The most rev. Primate the other evening grieved that a conscientious man like Mr. Green should be put in prison. Now, conscience was a very varying thing, and in some countries while the men went out to rob, the women stayed at home to pray. Every man's conscience was hurt when he had to do that which he did not like to do. There were two kinds of conscientious clergymen—those who, like Cardinal Manning, conscientiously held views contrary to the Church of England and conscientiously left it. Mr. Green, on the contrary, held views, or, at any rate, carried out practices, contrary to the law of the Church of England while remaining in it. He would hardly become a Cardinal; but probably he could become a priest of the Church of Rome, or, indeed, any other Church to whose laws he would yield obedience. What hardship was inflicted on Mr. Green when, if he would give up the emoluments of the Church, he could free himself and act according to what his conscience dictated? If he were liberated unconditionally, he would go back to his congregation, and continue to encourage his parishioners to practice doctrines that were foreign to the Church of England, and which the Courts of Law had decided to be illegal and contrary to the covenant by which Mr. Green held his position in the Church of England. Did the most rev. Primate think that that would be desirable? Was it not most important to the people, and more important than whether Mr. Green should wait a little more or less in prison? Surely the welfare of the congregation should be as much thought of as that of the clergyman. If he could be prevented from committing these offences again, he (Lord Oranmore and Browne), no more than any of their Lordships, wished that the rev. gentleman should be retained in prison. They must remember that Mr. Green was one of those clergymen who refused obedience as much to Bishops as to the Civil Courts; they owned no authority but their own consciences; they were bound by no contracts and no promises. Each was an infallible Pope to himself and his followers. There was

no law against that; each of them was free to stand, on that ground but he was not free to enter on a contract to receive all the advantages accruing under it, and to repudiate the obligations, as decided, with the exception of the Court of Arches, by the same Courts which interpreted contracts in all other cases. He hoped there was no doubt that Englishmen would support the rights of free contract, and no doubt either that the Civil Courts would preserve the right of interpreting the legal bearing of such contracts. As to the analogy with the case of Mr. Thorogood, as was shown by the noble and learned Lord upon the Woolsack the other evening, he (Lord Oranmore and Browne) could see none. It was of little importance that he did not pay 5s. 6d. church rates; while it was of the greatest importance that a clergyman of the Church of England should be bound to fulfil the legal obligations he had undertaken. But the fact was that Mr. Thorogood was released directly he complied with the law, and the fine was paid. The most rev. Primate stated how impossible it was, if Mr. Green were released, to enforce the obligations. But whose action had made it so? When the Royal Commission was proposed, he (Lord Oranmore and Browne) had expressed the opinion that it would be highly undesirable, as it could arrive at but one conclusion. He was informed that the right rev. Bench had, for the future, unanimously resolved not to allow any clergyman to be prosecuted, though his ministrations were undeniably contrary to law, pending the Report of the Royal Commission.

THE ARCHBISHOP OF CANTERBURY: There is no foundation whatever for that statement.

LORD ORANMORE AND BROWNE said, of course he accepted that denial, as far as regarded the most rev. Primate himself; but there were cases in which Members of the right rev. Bench had said plainly and distinctly what he had stated, and they were Bishops who did not in the least favour the High Church party; and he knew this, that no action had since been taken by the members of the Church Association. He had been under the impression that the resolution he had referred to had been passed, and he was glad to hear it denied, because he hoped they would be able to enforce the law against recalcitrant mem-

Lord Oranmore and Browne

bers of the Church of England. Circumstances had prevented his calling attention to the constitution of the Commission; but had he time he could show that it was a wholly one-sided Commission.

THE EARL OF REDESDALE (CHAIRMAN OF COMMITTEES) said, the noble Lord was evidently not aware of the Amendment which it was proposed to make in Committee.

LORD ORANMORE AND BROWNE said, that was so. He must, however, complain that there had not been a member of the Church Commission appointed by the Prime Minister. The right rev. Bench had often condemned both the Church Association and the Church Union; but while the former was not represented on the Commission, there were two Members of the latter upon it, and results had shown that the former society was fighting in support of, and the latter against the laws of the Church of England. As to the wish that Mr. Green should be released from prison, he heartily desired that Mr. Green should be released, if he would either fulfil the obligations he had undertaken as a clergyman of the Church of England, or, if he could not do so conscientiously, no longer continue to retain a false and injurious position. The statement they had heard the other day from the noble and learned Lord the Lord Chancellor, which was to the effect that it was important that the law should be carried out, was most satisfactory. The noble and learned Lord put forward these views with the weight of his high position and free from all taint of partizanship; and he (Lord Oranmore and Browne) had no doubt that he would support those views in no undecided tone.

EARL BEAUCHAMP said, he regretted very much that the noble Lord (Lord Oranmore and Browne) was not in the House on Tuesday when the Bill was read a second time. He (Earl Beauchamp) had never said that the decision of the Law Courts should not be obeyed; what he did say was that it was not right that the decisions of the Law Courts should be pressed home with a savage rigour as they had been. The noble Lord stated that the reason why the Church Association had taken up the case against Mr. Green was because a poor congregation was not able to defend itself. But that was not a

reason worthy of the noble Lord, because the congregation of Miles Platting only wished to be left alone. The noble Lord had also alluded to the fact of their being unable to attend other churches; but it was evident that they did not desire to do so, as Mr. Green was much respected by them. The Church Association had been unable to get any of the parishioners to take part in the proceedings against Mr. Green, and it had been necessary for the prosecutors to qualify strangers as parishioners by obtaining for them a residence, and the cost of this proceeding Mr. Green had been obliged to pay. It was a matter of notoriety that Mr. Green enjoyed the confidence of his flock and the whole of his parish in a most remarkable manner.

House in Committee.

Clause 1 (Repeal of part of 3 & 4 Vict. c. 93).

On the Motion of **The Earl BEAUCHAMP**, the following Amendment made:—In page 1, line 8, leave out ("first recited,") and insert ("said.")

Clause, as amended, *agreed to*.

Clauses 2 and 3 severally *agreed to*.

Clause 4 (Party not to be released from further observance of justice).

On the Motion of **The Earl BEAUCHAMP**, the following Amendment made:—In page 1, line 17, after ("such") insert ("party or"), and after ("person") insert ("or party.")

Moved, at end of Clause to add—

"Provided always, that if such suit be one brought under the Public Worship Regulation Act, 1874, no further proceedings shall be taken in such suit unless the bishop of the diocese certify in writing under his hand that the party or person has since his release from custody had an opportunity of submitting to his godly administrations and has failed to submit to the same. Provided further, that upon such certificate being filed in the registry of the Court by which such party or person has been pronounced in contempt, such party or person being an incumbent within the meaning of the said Public Worship Regulation Act, shall be liable to the same penalty as an incumbent against whom a second inhibition in regard to the same monition has been issued within the provisions of section 13 of the said Act, and his benefice or other ecclesiastical prebend shall thenceforth become void as provided in the said section."—(*The Earl Beauchamp*.)

THE LORD CHANCELLOR moved to amend the Proviso by extending it,

not only to suits under the Act of 1874, but to all ecclesiastical suits: and also by following, as nearly as possible, the procedure pointed out by the clause in the Act of 1874, to which reference was made, by the introduction of certain words with the view of giving fuller effect to the provisions of the Public Worship Regulation Act.

Amendment, as amended, *agreed to*.

LORD ORANMORE AND BROWNE asked, if the Proviso was adopted, what means would be left to bring clergymen who offended against the law before the Court?

THE LORD CHANCELLOR, in reply, said, that the object of the proposal was that the responsibility should be thrown on the Bishop. The reason which recommended that course to their Lordships was that they were dealing with the case of persons whose minds were peculiarly constituted; and who, though they had not thought it consistent with their duty to obey the admonitions of the Courts, might think it right to obey an admonition coming from an authority which they acknowledged.

Clause, as amended, *agreed to*.

Clause 5 (Power to prolong imprisonment for a further period of three months).

On the Motion of The Earl BEAUCHAMP, Clause *omitted*.

Moved, To add the following Clause:—"This Act may be cited as the Discharge of Contumacious Prisoners Act, 1881."—(*The Earl Beauchamp*.)

THE ARCHBISHOP OF CANTERBURY said, he was glad to hear that the Bill was to be passed under a more accurate but less ambitious title than the "Ecclesiastical Courts Regulation Bill." There could be little difference of opinion with respect to the limited purpose of the Bill; but its original title was entirely misleading, and conveyed the idea that an attempt had been made at a very late period of the Session to deal with a far more difficult question.

THE EARL OF SHAFTESBURY was understood to say that he did not find any fault with the Judge of the Court or with the Church Association. He thought that the punishment for contumacy was too long. There should be a

fixed period, say six months, and then, if the clergyman was still disobedient and totally disregarded the law, he should be got rid of altogether from the Church.

Motion *agreed to*; Clause *added accordingly*.

House *resumed*.

The Report of Amendments to be received *To-morrow*; and Standing Order No. XXXV. to be considered in order to its being *dispensed with*: Bill to be *printed* as amended. (No. 198.)

METROPOLITAN BOARD OF WORKS (MONEY) BILL.—(No. 186.)

(*The Lord Thurlow*.)

COMMITTEE.

Order of the Day for the House to be put into Committee read.

THE EARL OF REDESDALE (CHAIRMAN OF COMMITTEES) said, that he felt bound to take advantage of that opportunity of again expressing his objection to Clause 14, which would entail heavy expense upon the ratepayers of the entire Metropolis, though the proposal had been made without Notice in the other House, or any preparation to contest its expediency or justice. The Bill, in fact, affected the interests of the ratepayers without giving them power to appear and protect those interests. He protested against legislation of that character being brought forward at this period of the Session, and in such a hurried way. The Amendment which was proposed to be moved by the noble Earl (Earl De La Warr) should be agreed to, as the proposition of the promoters of the Bill was most unusual.

House in Committee.

Clauses 1 to 13, inclusive, *agreed to*.

Clause 14 (Expenses of inquiry as to markets).

EARL DE LA WARR rose to move an Amendment which, he said, would have the effect of merely giving power under the clause to the Board of Works to make inquiries into the food supply of the Metropolis, without authorizing them to obtain further powers from Parliament. He submitted that if their Lordships agreed to the clause as it stood, the interests of the City would be ~~se-~~

The Lord Chancellor

riciously affected, especially seeing that power would be given to set up rival markets against the City markets without notice having been given to the parties interested. It had been stated in the debate on the second reading of the Bill that the measure would not affect the interests of the Corporation of the City of London; but he was at a loss to understand how that could be. He contended that it did in a most important matter. Sums amounting to upwards of £3,000,000 had been invested in the City markets, upon the security of the Corporation; and he contended that that body was both willing and competent to do all that was required in the matter. The origin of this attempt to establish new markets was, of course, the alleged inadequacy of Billingsgate; but the lately issued Report of Mr. Spencer Walpole confirmed the view taken by the Corporation—that the true complaint against Billingsgate Market was, not that it was in every way insufficient, but that it was not easily accessible. The Corporation had already enlarged the market, and, having received the Report of a Committee, who had in an exhaustive manner inquired into the fish supply of the Metropolis, they were prepared, as far as possible, to do what might be necessary to make the market more easy of access. Before long they had every reason to believe they would be able to bring about that desirable result. Mr. Walpole had stated that it would be a serious loss to the public if the fish market were removed from the river side. There was no objection whatever to these markets being improved. It was not only the Corporation of London that was interested in this question. The ratepayers of the Metropolis were also largely interested. The effect of the Metropolitan Board taking into their hands all the markets of the City would be enormously expensive. Millions of money would be required to establish these markets, and the burden would fall upon the ratepayers, who were already overburdened with taxes, and were petitioning that some of those taxes should be removed. This Bill would give to the Metropolitan Board of Works power to borrow more money chargeable to the ratepayers for the supply of fish to the public, a large portion of whom were not ratepayers. He moved to omit all the words of the

clause after the words “Management Act, 1855.”

Moved, In page 6, line 39, to leave out from (“Metropolis Management Act, 1855”) to end of clause.—(*The Earl De La Warr.*)

LORD THURLOW said, he could not accept the noble Earl's Amendment, and felt he had some reason to complain of the course taken by the noble Earl with reference to this Bill. The other evening he gave the noble Earl a fair opportunity of taking the sense of the House on the question he had just raised; but he did not avail himself of that opportunity. The course now pursued appeared to him to be slightly unusual, inasmuch as the noble Earl had given no Notice of the Amendment to the House. Nor had he himself received private Notice of it.

EARL DE LA WARR said, he had sent Notice of it to the noble Lord.

LORD THURLOW said, in that case, no Notice had reached him. This was certainly a money clause, as it contained distinct provisions for money to be expended with a specified object. He could not agree with any of the arguments adduced by the noble Earl. The case was stated very fully the other evening, and he had nothing to add to that statement.

LORD MOUNT TEMPLE pointed out that the clause would not empower the Metropolitan Board of Works to establish a market in any part of the Metropolis. It only enabled them to make preliminary inquiries and arrangements for the introduction of a Bill, when the proper time would arrive for the City to make any objections they pleased to its proposals. The monopoly of Billingsgate doubled the price of fish, and led to the destruction of the unsold fish. The improvement of markets was necessary for the public good, and ought not to be sacrificed to a rivalry between the Metropolitan Board and the Corporation of the City. He hoped their Lordships would not agree to deprive the Board of the power they ought to possess of considering whether there should not be a fish market in the Metropolis in addition to that of the City. The objection of the Corporation was invented too late. If it had been valid it ought to have prevented the Hungerford and Columbia markets.

EARL DE LA WARR said, the Corporation of the City of London did not object to the establishment of any number of retail markets.

THE EARL OF CAMPERDOWN remarked that, if that were so, he could not understand why they objected to this clause, seeing that it afforded the only practical means by which a great public want could be met.

On question, *resolved in the negative.*

Clause *agreed to.*

Remaining clauses *agreed to.*

Bill *reported* without amendment; and to be read 3^d *To-morrow.*

EDUCATION DEPARTMENT—THE REVISED CODE.

DEPARTMENTAL STATEMENT.

EARL SPENCER, in rising to make a Statement upon the proposals for revision of the Code and the Examination Schedules of the Education Department which had been laid on the Table of the House, said, those proposals were brought forward in fulfilment of the pledge he had given last Session on behalf of the Government. He should have preferred to bring them forward at an earlier period of the Session; but the subject was so vast, and surrounded by so many difficulties, that that was found to be impossible. As it was, they did not propose to at once alter the Education Code, and the alteration, of which notice was now given, with a view to discussion in the Autumn, would not take effect till some time in 1882—a plan which was convenient both to the Department and to school boards and teachers throughout the country. The new system would insure pretty much the same payment to schools as the old. The average schools would earn about the same sum as hitherto, the best schools a little more, and the worst schools a little less. At present payments to schools were classed under four heads—1. the general payment to schools on average attendance, including efficiency and music; 2. individual payments by results on passes in Standards; 3. average attendance payments for class subjects; and 4. individual payments for specific subjects. The principle of payment for average attendance was now to be applied to three of these

four heads of payment, leaving only the specific subjects to be paid on individual examinations. It was found that individual payments for passes in the Standards did not work quite fairly to the schools and the teachers. At the Inspector's visit, children might be absent from illness, or on account of the weather, or the season of the year in which the inspection took place, and the earnings of the school must therefore be very much diminished. That was a matter which was much complained of. It was also found that there was a tendency on the part of teachers to direct their efforts to one class of children and neglect another. That evil would be corrected by the proposals now made, as failure in any department of the school would affect the whole grant, and not merely so much of it as might be earned by the neglected children. Moreover, if payments on the individual passes were done away with, and made to depend on the average attendance of children, there would no longer be any inducement to fraud. Another great improvement that would follow from a system of payment on the average attendance was a simplification of the present system of auditing. There were 1,900,000 children examined last year. The audit department examined the school-history of every one of these children during seven years, which was generally the duration of school-life of children. This was to see that payment was not made twice for the same thing to any one child. These figures would give an idea of the vast work involved by the auditing of individual passes. He would give their Lordships an illustration of the way in which the system of paying on average attendance would work. Let them suppose a school in which there were 300 children in average attendance, and that 250 should be present at the time of the Inspector's visit. Supposing him to examine 200, the number of passes possible would be 600, there being three subjects in which each child could pass. Supposing, however, that only 500 passes should be made, or only 83 per cent of the possible passes, then the full payment being, say, 10s. for every pass—he took a hypothetical figure—the payment would be 83 per cent of 10s., or 8s. 6d., and the capita- tion grant would be 300 times 8s. 6d., or £127 10s. All children that should

have been six months in a school would be presented to the Inspector for examination; and while all would continue to be examined in the Third and higher Standards, it would be for him to judge how many he ought to examine in the Second Standard. The result of the scheme would be a great diminution in the work of examination, though the Inspectors' duties would be increased in other ways. Out of 1,000,000 children above seven years of age who had usually been examined in the past in Standards I. and II., only 500,000 would be examined in the future. In order to meet one of the objections levelled at the existing system, the Department proposed to give Examiners and Inspectors power to classify the children examined by them according to the manner in which they should have passed the examination. The question of the grant to a school would be affected by this classification, because an extra grant would be given to schools classified as fair, good, or excellent. At present, a school which passed its scholars well obtained no more than another in which the same number of children barely scraped through. The proposal would thus counteract the present tendency to bring down schools to a dead level of teaching merely what was enough to pass. With regard to the question of class subjects, no very great change was proposed. Schools would be regarded as consisting of two divisions. Two class subjects might be taken up in each division. Steps had been taken to meet the objection that fancy subjects should not be taught to children who were not well-grounded in the "three R's." Specific subjects would only be taught to children who had passed the Fourth Standard, and not even then, unless 75 per cent of the possible passes were obtained in the "three R's" at the beginning of the year in which specific subjects were taken up, as well as at the end of the year during which they had been taught. Steps would be taken to encourage the extension of night schools, where there had been a diminished attendance since the introduction of compulsory education. The number of scholars had fallen off from 70,000 in 1870 to 40,000 in 1880. Boys used to work during the day and attend school at night. Now they must attend day-schools till they had passed a reasonable Standard, and,

having done so, were not inclined to go also to night-schools, more especially if the instruction in them was confined to the "three R's." They proposed to adopt other and more interesting subjects as class subjects. They also proposed that in night-schools ministers of all denominations, often the only available teachers in country districts, should no longer be debarred from teaching subjects with which they were familiar, and which they made interesting to the night scholars. He now came to the question of teachers. The teachers under the Education Department formed a small army in themselves, numbering, as they did, upwards of 70,000. There were 30,000 certificated teachers, 7,600 assistant teachers, and 33,000 pupil teachers. There were, in addition, a small number of stipendiary monitors; but as the system was not found in practice to work well it was proposed to do away with it. Of the teachers, the waste by retirement and death each year amounted to 6 per cent, so that the supply required each year was about 1,800; and as, owing to the increase of population, additional schools would be required, the number of teachers to be supplied annually would soon be over 2,000. The Training Colleges were only able to supply about 1,500 each year, leaving a deficiency of 500; and, to secure that number, it was proposed to admit as teachers persons, men or women, who had been at any University in the United Kingdom. It might be said that such persons would not be likely to become teachers; but when he mentioned the remarkable fact that he had on his list the names of no fewer than 130 men who had taken first-class University honours who were candidates for the position of Her Majesty's Inspectors, he thought their Lordships would agree with him that a very large number of less distinguished persons would be found ready to become teachers in their larger schools. With respect to pupil teachers, a rule would be laid down that not more than three should be engaged at any one school. That alteration would, he thought, have a very important effect upon education, because it was manifest that a pupil teacher was not as competent to teach large classes as was an assistant teacher. Pupil teachers were apprenticed for four years, from 14 to 18 years of age, and about 8,000 finished

their apprenticeship each year. A large number of those who desired to follow the Profession went to the Training College. Last year the number was 4,000, of which number 3,000 passed; but 1,500 only could be admitted. A regulation would be made that an assistant teacher should be required for every 60 scholars, instead of 80 as heretofore. Then with respect to infant schools, in schools where 40 infants attended a separate adult teacher would be required; and where 60 attended there should be a certificated teacher. The Schedule as to needlework would be simplified—a change which it was believed would be attended with beneficial results. With respect to music, 1s. was now allowed for each pupil taught; but in future the allowance would be 6d., and an additional 6d. if music was taught from notes or according to the Tonic Sol-fa system. Within the last few years, immense strides had been made in that direction, nearly all the masters sent out by the Training Schools being competent to teach by notes, or, at all events, to examine by notes. With regard to honour certificates, it was proposed to stop the granting of them. It was hoped that the boys holding honour certificates would be induced to remain at school; but, in the working of the system, it was proved that they did not do so. It was found that the conditions were not complied with, and that a better class of children than was intended reaped the benefit; and it had, therefore, been determined to do away with the honour certificates. The money that would be saved would probably be required for increased grants to night schools. *The Child's School Book* was to be abandoned, because it was a great deal of trouble, and it had broken down where it was most needed. A child had been found in Manchester with 11 books instead of one. It was not proposed to introduce these changes at present in Scotland, which was, in many respects, more advanced than England; while the Scotch Code already contained some of the principles of the change now proposed for the English Code. In order to obtain greater uniformity of inspection, and prevent, as far as possible, the injustice that arose from the different standards of different Inspectors, which made examinations severe in one place and lax in another, it was proposed to organize the

Inspectorate to a certain extent, to place a senior Inspector in charge of a large division containing several districts, and to bring the senior Inspectors together for consultation and discussion. A class of Sub-Inspectors would act under the District Inspector, who, in turn, would be supervised by the senior or divisional Inspectors, and in that way the desired uniformity would be attained to a greater extent than at present. He must acknowledge the assistance that had been received in the consideration of these changes, not only from the Department, but also from those who probably knew most of the working of the Code—namely, the schoolmasters—and he hoped the changes would be accepted willingly and with pleasure by that important body.

LORD NORTON said, he must express his satisfaction with the worthy manner in which the noble Earl the Lord President of the Council had treated national education. The presentation of the Code in draft for discussion in the Recess was a treatment of the subject in no Party spirit, but as of equal general interest, and an appeal to the nation for their opinion on a paramount national question. The most cursory reading showed its intention not to be further complication, but greater clearness and consolidation on the basis of their accumulated experience. It would be unworthy of such frank treatment to venture at once to criticize its details; but one or two remarks on the leading features of its revision of former Codes he would offer in its own spirit. Experience justified its change of principle in making public grants from payment on individual results to premiums on the average attendance and sufficiency of schools. But here came in the old difficulty of adjustment to town and country. Was it impossible to have a rural and an urban standard, as they had rural and urban local authorities, and as the Scotch had parish and borough schools? One standard could not equally suit both. But their primary interest was in the manual labour class, which must leave school early for labour, and could not have the time, or means, or object, to rise as high as the town artisan in book-learning. Some attempt was made in the scheme to meet that difficulty by dividing schools into lower and upper divisions, and allotting subjects to each.

Earl Spencer

The lower they might suppose to represent elementary education; but if so the upper must mean secondary education. Then followed the question—Did they undertake more than elementary education in the publicly-aided national schools? Had they gone beyond the original intention, and were they right, in including secondary instruction in elementary schools? The words used in describing the Seventh Standard in the scheme were, that it was meant for those who had passed the Sixth Standard sometime before leaving school. But it never was intended that children of the working class should be kept at school a day after they were fit to go to work. Any higher learning, therefore, should be meant, not as a smattering of incipient science to fill up an ideal interval, but for children who were really going on to higher education. So far as this scheme made the distinction between primary and secondary teaching clearer, it was wise. It avowedly recognized the provision of much higher education as part of national education; but it was to be hoped it meant to separate it from elementary education. There could be no doubt they were undertaking middle-class education; and, if so, they should do it distinctly and more thoroughly, and not mix it up with primary education, to the injury of both. The discussion of that draft Code in "another place" came on in a debate on museums for the promotion of art in the Provinces. That showed the connection in idea of the New Code with higher education. South Kensington was doing still more for art education than the Seventh Standard and specific subjects in the Fourth Schedule proposed for sciences and foreign languages. But a greater proof of higher ambition was the proposal in the scheme that graduates of the two Universities should be assistant teachers in national schools. It was said that many such men were wanting employment, and that this would open a new avenue to them. That was a consideration for the learned men supplied so much in advance of demand. But as to the schools, it was significant as considering their assistant masters to be men on a par with the clergy, clearly an advance from the first idea of elementary education of the working class. The amounts of particular grants were not stated; it might, therefore, be

intended that this secondary education should be self-supporting, and that the illusory scale of 9*d.* fees as a limit of elementary education should be done away with. What were now set up at Bradford and elsewhere as higher schools were only another set of elementary schools, with the same smattering of science; only at higher, yet not self-supporting fees, for a separate provision to the middle class. There might be intended in the completion of this scheme exhibitions to help cleverer children of the working class to extend their schooling in common with the middle class to higher study. All that might modify one's general opinion of the scheme, and judgment must, therefore, be deferred. One good sequence from the debate of last year was apparent in the proposed provision of better books. It was seen that the art of reading could be better taught by books conveying progressive knowledge, instead of what were now condemned by the Vice President himself as foolish tales and miserable commonplace scrap-books. The whole draft showed a liberal and earnest intention to improve our national education.

After a few words from Lord BRAYE, the subject dropped.

House adjourned at twenty-five minutes past Seven of the clock, during pleasure.

House resumed at five minutes past Four of the clock, A.M.

The Lord THURLOW—Chosen Speaker in the absence of The Lord CHANCELLOR and The Lord COMMISSIONER.

LAND LAW (IRELAND) BILL.

Returned from the Commons with several of the amendments *agreed to*, several *agreed to* with amendments, and with consequential amendments to the Bill, and several *disagreed to*, with reasons for such disagreement. The said amendments and reasons to be *printed*, and to be considered *To-morrow*. (No 211.)

House adjourned at a quarter past Four o'clock A.M., till a quarter before Five o'clock

HOUSE OF COMMONS,

*Thursday, 11th August, 1881.*MINUTES.] — PUBLIC BILLS — *Resolution in Committee*—Solent Navigation [Expenses].*Second Reading*—East Indian Railway (Redemption of Annuities) * [244]; Expiring Laws Continuance * [245]; Consolidated Fund (No. 4) *.*Committee—Report*—National Debt (*re-comm.*) * [243].*Considered as amended—Third Reading*—Patriotic Fund * [240], and *passed*.*Third Reading*—Indian Loan of 1879 * [237], and *passed*.*Withdrawn*—Bills of Sale Act (1878) Amendment (*re-comm.*) [104]; Churchwardens (Admission) [47]; Infectious Diseases Notification * [229]; Maintenance of Children * [59]; Bills of Exchange * [218].

ORDERS OF THE DAY.

PARLIAMENT—PUBLIC BUSINESS
(HALF-PAST TWELVE RULE).RESOLUTION. ADJOURNED DEBATE.
ORDER DISCHARGED.

Order for resuming Adjourned Debate thereupon [3rd May] read.

MR. MONK moved that the Order of the day for the adjourned debate on the Public Business (Half-past 12 Rule) be discharged. He made this Motion with great reluctance and considerable regret, because his proposal that the Rule should not apply to the Motion for Leave to bring in a Bill, or to any Bill which had passed through Committee, had received the support of the Government, and also because there was a general and growing feeling on both sides of the House that some modification was required of a Rule which placed irresponsible power in the hands of a single Member of that House. He left the matter with confidence in the hands of Her Majesty's Government, who, he understood, intended to deal with that and other matters connected with Public Business early next Session.

Motion agreed to.
Order discharged.

BILLS OF SALE ACT (1878) AMENDMENT (*re-committed*) BILL.—[BILL 104.]

(Mr. Monk, Mr. Serjeant Simon, Mr. Fry, Mr. Barran.)

COMMITTEE.

Order for Committee read.

MR. MONK moved that the Order for Committee be discharged. He regretted very much the necessity for this, as the Bill had been considered in a Select Committee of the House, presided over by the Attorney General. Next Session he would certainly re-introduce the Bill, as he heard from many correspondents that there was no measure which more required urgency than this Bill.

*Motion agreed to.**Order discharged; Bill withdrawn.*

CHURCHWARDENS (ADMISSION) BILL.

(Mr. Monk, Sir Gabriel Goldney.)

[BILL 47.] SECOND READING.

ADJOURNED DEBATE.

Order for resuming Adjourned Debate on Second Reading [8th April] read.

MR. MONK, in moving that the Order for resuming the debate on the second reading of this Bill be discharged, said, that the only Member who opposed it was the hon. and gallant Gentleman opposite (Colonel Makins), who was one of the Members of the Select Committee that approved of the Bill.

COLONEL MAKINS said, that he was not a Member of the Committee, and had not approved of the Bill.

*Motion agreed to.**Order discharged; Bill withdrawn.*

QUESTIONS.

POST OFFICE (IRELAND)—THE NEWRY
POST OFFICE—CLERKS' CHRISTMAS
GRATUITIES.

MR. BIGGAR asked the Postmaster General, If he is aware that the clerks of Newry Post Office have not received any part of their Christmas overtime for the past three years, although they were called on to furnish a return of same; and, if the above facts are true, will he issue such instructions as will remedy the cause of complaint?

Mr. FAWCETT, in reply, said, he found that it was the case that the clerks referred to by the hon. Member had not received any part of their Christmas overtime for the past three years. He greatly regretted this negligence, and he had given instructions that careful inquiry should be made, and had taken steps to prevent its recurrence.

STATE OF IRELAND—ARMY—THE 28TH
REGIMENT AT BIRR.

Mr. HEALY asked the Secretary of State for War, If he has inquired into the conduct of the rioters of the 28th Regiment at Birr on the 1st instant; and, whether it is intended to remove this regiment from Birr?

Mr. CHILDERS: In reply to the hon. Member, I have to state that the disturbance at Birr on the 1st instant has been the subject of careful inquiry. I sent to the officer commanding there the hon. Member's letter, addressed to me, with its inclosure, from which he had cut off the signature, and evidence was taken from all the sources indicated in that letter by a Court, consisting of the colonels of the 1st Battalion of the Gloucester Regiment and the 2nd Battalion of the Leinster Regiment, and a major of the 1st Battalion of the latter. It appears that a party of seven soldiers, who gave no provocation whatever, were attacked in the street by a mob of roughs, who shouted at them, "Down with the English bastards" (and another epithet which I will not repeat), and "We will fight for the Land League and kill the best man of the 28th," and commenced throwing stones at them. This appellation of "English bastards" appears to have been too much for the soldiers, all of whom were Irishmen; and one of them, named Patrick Donnelly—not sober at the time—threw a stone at the mob, which struck one, Patrick Chaffey, and knocked him down. For this Donnelly has been convicted, and is undergoing a sentence of two months' imprisonment. The conduct of the regiment has been, with this exception, uniformly good; and after the remarks the other day as to the good policy of keeping Irish soldiers in Ireland, I am not prepared to remove the regiment, even though some of the Irishmen in it may not appreciate the methods used by their countrymen.

"PRINCESS ALICE" CATASTROPHE—
BURIAL EXPENSES OF SUFFERERS.

BARON HENRY DE WORMS asked the Secretary of State for the Home Department, Whether, in view of the fact that the parish of Woolwich has been put to an expense of £1,200 on account of the burial of the persons who perished in the "Princess Alice," and that such expense was thrown upon that parish because the bodies were, in the interest of public decency and the public health, recovered from various parts of the river and brought to Woolwich, as a central point, for interment, Her Majesty's Government will grant a sum from public funds in order to recoup the parish referred to for the burden which has thus unjustly been imposed upon it?

SIR WILLIAM HARCOURT: When I saw the hon. Member with a deputation on this subject some time ago I understood that he was about to introduce a Bill referring to the liability in these matters; but it is a new feature to propose that the Government ought, out of the public funds, to pay this charge, which really belonged to the locality. I have no authority to make such a payment, nor do I see that, whatever might be the question between the locality and the country, it was a charge which should come upon the general funds of the Exchequer.

RIVER THAMES — LIFE-PRESERVING
APPARATUS ON PASSENGER
STEAMERS.

BARON HENRY DE WORMS asked the President of the Board of Trade, Whether, since the sinking of the "Princess Alice" steamboat, near Woolwich, in September 1878, whereby more than 700 people lost their lives, any additional means, and, if so, what, have been adopted by the owners of the river passenger steamers plying on the Thames to prevent similar losses of life in cases of the sudden sinking of these steamers; and, whether the owners have been advised by the Board of Trade to fit up the seats and benches on their vessels with cork cushions, or to have other similar buoyant apparatus such as has often been proposed for passenger vessels?

Mr. CHAMBERLAIN, in reply, said, he had ascertained that since the acci-

dent in question many precautions had been considered, and several had been adopted, and, notably the Thames and Channel Steamboat Company had now applied to all their steamers plying to Gravesend and below it air cases under the portable seats. He was glad to say that these precautions had already been the means of saving life. A vessel was run down in 1880 by a steamboat and the crew thrown into the water; but all were saved by the means of these appliances.

STATE OF IRELAND—DETENTION OF THE SCHOONER "WAVE" IN CORK HARBOUR.

MR. EWART asked the Chief Secretary to the Lord Lieutenant of Ireland, If he is aware that the schooner "Wave," from Gloucester, with a cargo of prepared timber and building materials, for the Church of Ireland Hall at Queen's College, Cork, has now lain at the Quay in Cork for three weeks unloaded because the mob by threats frighten away any labourers who begin to unload as well as carters who desire to draw away the goods; whether a guard of police has to be kept on board day and night for protection thereof; and, whether the Government intends to take any steps to enable the owners to enjoy their lawful and Constitutional rights?

MR. W. E. FORSTER said, the case as stated by the hon. Member was correct; but, at the present moment, the vessel was being unloaded and its cargo transported to its destination.

MR. HEALY asked if military waggons were being employed in the unloading of the vessel; and what was the reason of this assistance being given to a private individual?

MR. W. E. FORSTER said, it was quite true that military waggons were being employed. It was thought absolutely necessary, in order to complete the work as quickly as possible and to prevent a serious breach of the peace.

MR. HEALY asked if waggons would be granted on the application of a private person?

MR. W. E. FORSTER said, the answer would depend on what means were thought necessary to avoid a breach of the peace.

Mr. Chamberlain

MERCANTILE MARINE—THE "CITY OF MECCA."

MR. ANDERSON asked the Under Secretary of State for Foreign Affairs, If Her Majesty's Government has sent a Despatch to the Government of Portugal, demanding an arbitration of the "City of Mecca" case, on the ground that the Portuguese Courts had decided the case in contravention of the International Code of Sailing Rules, to the serious prejudice of British subjects; and, if he will lay upon the Table a Copy of the Despatch?

SIR CHARLES W. DILKE: The Correspondence on the subject, which will shortly be laid on the Table, will show the steps which have been taken by Her Majesty's Government with regard to this case.

STATE OF IRELAND—"INTOLERANCE IN BALLYMENA."

MR. BELLINGHAM asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been directed to a leading article in the "Belfast Morning News," entitled "Intolerance in Ballymena," by which it appears that a party of peaceable excursionists were attacked by a mob who assailed them with stones and sticks; whether the statement is true; and, whether Her Majesty's Government can take any steps to protect law-abiding persons against lawless mobs?

MR. W. E. FORSTER, in reply, said, that it was quite true that a party of excursionists had been attacked in the way described. Twelve persons were summoned for assault on the police and others, and the case was at once put into the hands of the sessional Crown Solicitor. Seven persons were convicted and sentenced to various terms of imprisonment, the case against four was dismissed, and one person was discharged with a caution. Of the seven convictions, five persons had appealed, and two had been sent to gaol.

WAYS AND MEANS—INLAND REVENUE—THE COLCLOUGH FRAUDS.

MR. HEALY asked the Secretary to the Treasury, Whether it was owing to the fault of the Controller of the Stamp Department, Dublin, that the vast Colclough frauds upon the Department and on the public, recently discovered, went

on for so many years undetected; whether the question of relieving that officer from his appointment has been or is under consideration; whether it is the case that, prior to his appointment to this important post in Dublin, he was only a junior clerk in Somerset House; whether he was appointed to the former post over the heads of several competent men in the Department in Dublin, who were entitled by service to promotion; and, upon whose recommendation he got the post?

LORD FREDERICK CAVENDISH: I am informed that, in the opinion of the Board of Inland Revenue, no blame is attributable to the Controller at Dublin for the frauds recently discovered there. It has not been, and is not, in contemplation to remove him from his appointment. Prior to his appointment he was Assistant Controller. He was chosen for the office by the Board of Inland Revenue, who considered him the fittest man for it, and on the recommendation of his superior officers.

POOR LAW (IRELAND)—CLOGHEEN UNION—CHARGEABILITY OF AN ILLEGITIMATE CHILD.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, If the Irish Local Government Board have refused to grant a sworn inquiry into the case of a

“Protest against the maintenance and chargeability of the illegitimate child of an Irish landlord and its mother, a married woman, upon the rates of Clogheen Union;”

and, if so, why; and, is it true that the woman is about being removed from the Union at this moment to evade inquiry?

MR. W. E. FORSTER, in reply, said, with regard to this poor woman no sworn inquiry could be made by the Local Government Board, because there was no suspicion attached to any official of the Union or to any person under the jurisdiction of the Local Government Board; and, though he was not speaking with any knowledge of the fact, he did not suppose there was any charge against the Guardians. The woman and her child were admitted into the workhouse. The Local Government Board directed the attention of the Guardians to the provisions of the Act, which enabled them in certain circumstances to recover the cost of the maintenance of the per-

sons relieved by them if the name of the putative father was ascertained; but, the woman having refused to make the necessary affidavit, the Guardians were unable to proceed. The Local Government Board had, of course, no power outside their jurisdiction.

SOUTH AFRICA—THE TRANSVAAL CONVENTION—THE PASS LAWS.

MR. CROPPER asked the Under Secretary of State for the Colonies, Whether he will explain to the House the nature of the Pass Laws referred to in Article 14 of the Transvaal Convention as limiting the freedom of action of the native population in the Transvaal territory?

MR. COURTNEY: The present law of the Transvaal is contained in Sections 7 and 8 of law No. 6 of 1880, which continues in force under the Convention. Section 7 requires—

“Every foreign native entering any district of this Province to apply to the Landdrost of the district, or to such other officer as may be appointed for the purpose, for a pass, which request will be granted on payment of a fee of 1s.”

The section also provides for the production of such a pass on demand by any burgher. Section 8 provides that every Native of the Transvaal desiring to travel from one district to another must apply for a pass, which must be given gratuitously if the Native has paid his hut tax.

INDIA—BERAR—SIR RICHARD MEADE AND SIR SALAR JUNG.

MR. RICHARD asked the Secretary of State for India, Whether his attention has been called to an article in the July number of the “Statesman,” entitled the “Restitution of Berar,” and to the statements in that article as to the conduct of the ex-British Resident, Sir Richard Meade, in forcing on the Nizam’s Minister, Sir Salar Jung, as his colleague in the Regency, one Vikarool-Omra, an alleged enemy of that Minister and of the British Government; and whether the Government can state the reasons which dictated that appointment; whether he has observed the narrative in the same article of the conduct of the said ex-British Resident in supporting alleged spoliations and violent proceedings of Vikarool-Omra since

his appointment; and, whether he will cause a full inquiry to be made by independent persons into the facts alleged in this article?

THE MARQUESS OF HARTINGTON, in reply, said, it was perfectly impossible for him to give anything like a complete answer to the statements contained in the article, which he had seen, and which related to a very complicated matter. It was written with the avowed object of advocating a restitution of Berar to the Nizam. It contained a series of most violent attacks upon the conduct of the Government of India during the whole of the present century, and, indeed, during the whole of the past century, towards the Government of the Nizam. With regard to the specific point referred to in the Question—the conduct of the ex-British Resident, Sir Richard Meade, in the appointment of the Nawab Vikarool-Omra as co-Regent with Salar Jung, that appointment was made, not by Sir Richard Meade, but by the Government of India, whose proceedings were approved by the Secretary of State at the time. It was impossible for him to enter into an account of the reason of the appointment, which was the subject of a very full Report; but he might briefly say that the main object was to adhere to the spirit of the arrangement which was come to in 1869, he thought, when it was decided to associate with the Regent, who was a very distinguished representative of the official classes at Hyderabad—a representative of the Hyderabad nobility. Whether what was done was done rightly or wrongly, it was done undoubtedly by Sir Richard Meade, but not upon his responsibility, and he could not be held personally responsible for it. With regard to the alleged spoliation and violent proceedings of the Nawab Vikarool-Omra since his appointment, those allegations appeared to be made entirely on the foundation of a Memorial which had been presented to the Indian Government by nephews of Vikarool-Omra. He had never seen the Memorial. It was, no doubt, in the possession of the Government of India, and the Government of India would, if necessary, make a Report upon it. The article contained imputations which were very grave on the character of the ex-British Resident, Sir Richard Meade.

Mr. Richard

It charged him, in a manner scarcely disguised, with misconduct and actual corruption. Sir Richard Meade was a very distinguished officer, and hitherto of unblemished character. He was at present on leave, and had, practically, retired from the Indian Service. He was on the Continent, and this article had only just reached him. He had heard from him on the subject. He said that many of the statements contained in the article were falsehoods, and that others were gross misrepresentations. With regard to the charges against himself, he said he thought his proper course would be to place himself in the hands of the Government of India, desiring them to take such steps as they might deem proper to ascertain what grounds there were for the imputations that had been made against him. He had accordingly addressed the Government of India. It would be highly improper for him (the Marquess of Hartington) to take any steps in the matter until he knew what the views of the Government of India on the subject were.

GENERAL SIR GEORGE BALFOUR remarked, that the affairs of Hyderabad were very complicated, and very few individuals were acquainted with them; and he therefore begged the noble Marquess that Papers be laid before the House giving a distinct statement of the whole transaction since 1854 relating to the Berar and Raichore Doab territories temporarily handed over to the care of the Indian Government. It was equally for the honour of the country and of individuals that this should be done, and the bad practice of concealment departed from.

THE MARQUESS OF HARTINGTON said, it was impossible for him, without Notice, to say what Papers could be laid on the Table. There were a great many Papers; but many of them were of so extremely confidential a character that he had no hesitation in saying it would be impossible to lay them on the Table.

WEST INDIAN ISLANDS—THE BAHAMAS—FINANCE.

MR. ANDERSON asked the Under Secretary of State for the Colonies, If he is aware that great dissatisfaction has been caused in the Bahamas by the withdrawal from the Colony of a fund accumulated from sales and rents of waste lands and other Crown pro-

party there; whether it is not the fact that a Despatch of Earl Grey's of 9th September 1851 (paragraph 6), had assured the Colonists that the fund in question was to be administered by the Crown only as trustee for the Colony; and, whether the recent withdrawal means a change in the policy which, since that Despatch, had been always adhered to?

MR. COURTNEY: We have had no official information that any dissatisfaction existed in the Bahamas on the subject; but a copy of *The Nassau Times* has reached the Colonial Office complaining of the withdrawal of the fund, and expressing a fear that it had been absorbed into the Imperial Treasury, the exigencies of which the writer recognizes. There is, of course, no foundation for this suggestion. The balance in the Colonial Bank appeared unduly large, and there were no securities in the Colony in which it could be invested, and accordingly it was ordered that £1,700 should be remitted to the agents of the Crown Colonies for investment in Colonial securities. The trusts of the fund remain absolutely unchanged.

PEACE PRESERVATION (IRELAND)
ACT, 1881—GUN LICENCES.

MR. JUSTIN M'CARTHY (for Mr. O'SULLIVAN) asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is true that several respectable farmers in the districts of Glin and also of Newcastle West, county Limerick, have been refused licence to keep arms, notwithstanding the fact that they were recommended by magistrates and other gentlemen who knew them; and, if so, to know why it was that such persons were refused a right which some of them enjoyed for over twenty years?

MR. W. E. FORSTER, in reply, said, the magistrates in both of these places had informed him that they had not in any instance refused a licence when a proper certificate signed by magistrates was produced.

MAJOR NOLAN asked the right hon. Gentleman, If he is aware that one shilling is charged for each of the printed forms on which a licence to carry arms is given; and, if he will give directions that Petty Sessions clerks and others should sell these forms for a penny, or such other sum as will cover the cost of paper and printing?

MR. W. E. FORSTER, in reply, said, the printed forms of licences were granted by officers appointed by the Lord Lieutenant for the purpose. The Petty Sessions clerks had nothing to do with the granting of them. If, however, an applicant for a licence employed a Petty Sessions clerk to fill up any form, it was his own business. The Petty Sessions clerk, of course, might agree with the applicant to do so, and to be paid for doing so such sum as the applicant might be willing to pay.

MAJOR NOLAN said, these forms could only be procured from Petty Sessions clerks on payment of 1s.

MR. W. E. FORSTER said, he would make inquiries into the matter. He was informed that these forms could be obtained from the licensing officers—[“For how much?”]—for nothing.

MAJOR NOLAN said, he thought that fact ought to be made known. Several persons had paid 1s.

MR. W. E. FORSTER said, the printed forms were supplied for nothing. Petty Sessions clerks had no right to do anything in the matter unless applicants employed them to fill up the forms.

MR. MACFARLANE inquired if these forms could be supplied by the police?

MR. W. E. FORSTER: No.

POST OFFICE (TELEGRAPH DEPARTMENT)—THE WEATHER FORECASTS.

MAJOR NOLAN asked the Postmaster General, If he would direct that during harvest and sowing times the weather forecasts of the Meteorological Department should be published at those telegraph offices which are situated in places at more than two hours' distance from the office of publication of a daily paper?

MR. FAWCETT, in reply, reminded the House that he answered a similar Question upon this subject on Tuesday. He was unable, for the reasons then given, to comply with the request of the hon. and gallant Member. Those weather forecasts might be supplied at a very small cost to villages and towns combining together for the purpose of obtaining the benefit of them.

POST OFFICE (TELEGRAPH DEPARTMENT)—GREENWICH TIME.

MR. MITCHELL HENRY asked, Whether Greenwich time was not telegraphed to the Telegraph offices?

MR. FAWCETT: Only for the information of the offices. When wanted for publication I believe these telegrams have to be paid for; but I will make inquiry.

ARMY ORGANIZATION—THE 28TH REGIMENT.

COLONEL NORTH asked the Secretary of State for War, Whether the 28th Regiment will be permitted to continue to wear the back-plate with the No. 28 worn at the back of the helmet, a distinction conferred upon the Regiment for their conspicuous gallantry at the Battle of Alexandria, and which has been worn by them for the last eighty years?

MR. CHILDERS: The 28th Regiment is now the 1st Battalion of the Gloucestershire Regiment, and it will be allowed, in commemoration of their remarkable feat at the Battle of Alexandria, when they repelled charges in front and rear at the same time, to wear the regimental badge, the Sphinx, on the back of the helmets, where the number has hitherto been worn.

THE PATENT MUSEUM—GIFTS OF MODELS OF INVENTIONS.

MR. HINDE PALMER (for Mr. A. GREY) asked the President of the Board of Trade, Whether it is not the case that the Superintendent of the Patent Museum is obliged frequently to refuse valuable gifts of models of inventions offered to the Nation, owing to want of space in which either to store or exhibit them; whether it is not also the case that the Patent Commissioners, in the Report which they present annually to Parliament, specially invite the public to offer to the Superintendent of the Museum, as gifts or otherwise, models of inventions; and, whether he will grant a Return, specifying the gifts which have been offered to the Nation, and which have been refused by the Superintendent of the Museum by reason of want of room?

MR. CHAMBERLAIN, in reply, said, he was glad to say that the Question appeared to be based on incorrect information, because he learned from the Patent Office that during the past nine years there had only been six refusals of inventions offered to it, and that of these only one was based on the want of space, and

even in that case there were other considerations which had to be taken into account. The remaining five were declined because they were not likely to be interesting or useful. Under these circumstances, he thought the hon. Member would not press for the Return referred to.

CHARTERS OF THE CITY OF WATERFORD—THE RIVER SUIR.

MR. LEAMY asked the President of the Board of Trade, If he is aware that by several Royal Charters, commencing in the time of King John down to and including the Charter granted by King Charles the Second, known as the Great Charter of the City of Waterford, the foreshore of the River Suir, extending from high water mark to low water mark, was granted and confirmed to the Corporation of Waterford for ever; if it is true that the Board of Trade has lately demanded from the Waterford Harbour Commissioners, and from the Waterford and Limerick Railway Company, sums of money for permission to erect buildings, piers, &c. on said foreshore; and, if so, whether he will direct that in future no such interference with the rights of the Corporation of Waterford shall be made by the Board of Trade?

MR. CHAMBERLAIN, in reply, said, he was aware that the several Royal Charters referred in the Question of the hon. Member were alleged to have been granted and confirmed. It was also true that the Board of Trade asked for sums of money for permission to erect buildings on the foreshore. The sums they asked for were merely nominal considerations in order to preserve rights which the Board of Trade claimed on behalf of the Crown. The Question about the Waterford and Limerick Railway Act was a legal one upon which he could give no opinion.

CUSTOMS—COFFEE AND CHICORY.

MR. BARRAN asked the President of the Board of Trade, Whether he is aware that under the Customs regulations it is prohibited to import into or to transmit from this Country to the British Colonies or the United States of America coffee mixed with chicory as an article of trade; and, if such be the case, whether he can take any steps to remove the

restriction, now that chicory pays the same Duty as coffee?

LORD FREDERICK CAVENDISH : As this Question relates to Customs regulations I have to answer it on behalf of the Treasury. It is the fact that the regulations do not permit the importation into, or the exportation from, this country of mixtures of ground coffee and chicory. This prohibition has been maintained for statistical purposes which are unaffected by the fact that the duty on coffee and on chicory is the same. But the Board of Trade has, at the instigation of my hon. Friend, made a representation to the Treasury on the subject, which will be carefully considered.

RAILWAYS—CONTINUOUS BRAKES.

MR. LEA asked the President of the Board of Trade, If it is correct that, according to the last Returns of the Board of Trade, only eleven per cent. of passenger carriages throughout the United Kingdom were fitted with automatic continuous brakes in conformity with the requirements of the Board, as prescribed in their circular dated 30th August 1877; if it is correct that, at present, only seven of the ninety Railway Companies have adopted brakes in conformity with those requirements; and, if so, whether any steps are being taken in this direction by the remaining Companies?

MR. CHAMBERLAIN, in reply, said, the statement contained in the first two paragraphs of the Question were correct. As to the third paragraph, he might state that, within the last few weeks, there had been meetings of the Chairmen of the leading Railway Companies, and he understood that negotiations were in progress for the adoption of continuous brakes such as had been recommended by the Board of Trade, and he hoped that progress might be made in the matter.

EDUCATION DEPARTMENT—TECHNICAL INSTRUCTION.

MR. LEWIS FRY asked the Vice President of the Council, Whether the Commissioners appointed to inquire into the spread of technical knowledge in foreign countries will be directed to extend their inquiries to the technical instruction which may be given to women in any countries they may visit, and

particularly to such institutions as the technical school for women established in the Rue du Seine and the Rue de Laval in Paris, the "Lette Verein" in Berlin, and other similar institutions?

MR. MUNDELLA : The Royal Commission will inquire into technical instruction in its relation to industry, irrespective of whether it is given to men or women. And, no doubt, the particular institutions referred to in the Question of the hon. Member will come under their notice.

ARMY—WIDOWS OF NON-COMMISSIONED OFFICERS.

MR. BIGGAR asked the Secretary of State for War, Whether the widow and children of Sergeant Magor Lunny, of A Troop, 1st Dragoon Guards, who was killed at Lang's Neck, under Major Brownlow, who has recommended these people to be assisted on account of the bravery of the late Sergeant Major, are to receive any compensation from the Military authorities?

MR. CHILDERS : In reply to the hon. Member I have to state that under a Regulation which, with the concurrence of the Treasury, I made during the present year, widows of non-commissioned officers and men who are killed or die of wounds receive a gratuity of a year's pay. Before this they could receive nothing. Mrs. Lunny will accordingly receive this gratuity, which is payable in four quarterly instalments. The subject of pensions to the widows of soldiers and sailors killed in action will be considered by Her Majesty's Government after the passing of the Patriotic Fund Bill now before Parliament.

MR. HEALY : Will this Regulation be retrospective?

MR. CHILDERS : That is a delicate question, which I would rather not answer off-hand.

LAW AND JUSTICE—MIDDLESEX REGISTRY.

MR. ARTHUR O'CONNOR asked Mr. Attorney General, Whether any complaints have reached him as to the charges made at the Middlesex Registry, and as to the officials there compelling parties to attend in Great James Street to be sworn to memorials, thus causing great inconvenience and delay; whether affidavits sworn before a Commissioner

are not received in the Supreme Court; and whether there is any reason, except one connected with fees, why the Middlesex Registry should not do in like manner; and, whether he will make arrangements for the scale of fees authorized to be charged at the Middlesex Registry being placed on the back of the tickets given on deeds left for registry, and for their being affixed in the Registry; as well as for the execution of deeds and memorials being deposited to before a Commissioner in the same manner as affidavits are sworn in causes in the Supreme Court of Judicature, and for the lengths of memorials being marked on them when left for registry?

THE ATTORNEY GENERAL (SIR HENRY JAMES), in reply, said, the Middlesex Registry Office was not one over which he had the slightest control, nor was he officially connected with it. But the Question seemed to point to practical inconvenience existing, and he would endeavour to find out its cause. The reason why affidavits sworn before a Commissioner could not be received at the Middlesex Registry was because under the statute of Anne creating the office it was necessary that affidavits should be made in the presence of the Registrar or a Master in Chancery, and any alteration in that respect must be made by statute. As to the latter part of the Question, by the statute of Anne the Lord Chief Justice had power to make certain regulations; and if the hon. Member would communicate to him any matters of practical inconvenience which arose, they would be forwarded to the proper quarter.

POOR LAW (IRELAND)—WORKHOUSE NATIONAL SCHOOLS.

MR. ERRINGTON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether any steps can be taken to extend to the Workhouse National Schools, and to the teachers in those Schools, the benefits of the results system, in cases where the Guardians have neglected to do so?

MR. W. E. FORSTER, in reply, said, that no steps of the nature referred to in the Question of the hon. Member had been taken. Without fresh grounds it was not an easy matter for legislation. He was not surprised at the dissatisfaction expressed by the officials of such schools. Workhouse schools, however,

were not under the control of the Board of Education, and it rested with the Guardians to pay by results or not.

ARMY ORGANIZATION—QUARTERMASTERS.

COLONEL ALEXANDER asked the Secretary of State for War, If he would explain why, notwithstanding the unconditional promise that Quartermasters, on the completion of ten years' service as such, should receive the rank of Captain, that rank is still withheld from them?

MR. CHILDERS: I really am surprised that the hon. and gallant Member should ask me this Question, and in terms implying that I would break my word, when I distinctly told him, as recently as the 14th of July, that these officers would be given the rank of Captain as soon as the Reports on them had been received and considered.

COLONEL ALEXANDER: What Reports?

MR. CHILDERS: The hon. and gallant Gentleman, as commander of a regiment, must know what the regimental Reports are. I have nothing to add to that answer, which I think was clear enough, except that the commissions will be dated the 1st of July.

EDUCATION DEPARTMENT—HIGHWORTH SCHOOL BOARD.

MR. LONG asked the Vice President of the Council, Whether the Education Department have refused to lower the Standard prescribed by the bye-laws for the parish of Highworth, in the Swindon Union, for total exemption from school attendance, so as to bring the same in uniformity with the Standards sanctioned by the Department for ten other Parish and School Boards in the same Union, notwithstanding the strong and urgent representations made by the Magistrates, Ratepayers, and School Attendance Committee to the effect that the Fifth Standard pressed severely on the agricultural classes, and was, practically, cruel and unjust if enforced; and, if this be so, how he reconciles the facts with the statement he made on July 8th that the Department were doing all they could to secure uniform Standards?

MR. MUNDELLA: It is quite true that the Department has repeatedly re-

Mr. Arthur O'Connor

fused to lower the Standard of total exemption from the fifth to the fourth in the parish of Highworth. That parish, in the year 1878, voluntarily passed bye-laws with Standard 3 for partial and Standard 5 for total exemption. These bye-laws were settled, after full discussion, at a meeting of the ratepayers of the parish; and this Resolution was supported, even after remonstrance, by three-fourths of the rateable value of the parish. But I regret to say that the School Attendance Committee and the magistrates have persistently refused to enforce them. Between January, 1879, and May, 1880, 200 cases of irregularity were reported; but proceedings against parents were only taken in five cases. Again and again the Department pointed out to the local authorities that they were neglecting their duty, and even threatened to declare them in default; and, in consequence of their persistent neglect, the local committee in Highworth resigned office in December, 1879. Highworth is a town of 3,000 inhabitants, and, according to the vicar of the parish and the managers of the schools, there is no reason why the Fifth Standard should not be maintained; and this view is confirmed by Her Majesty's Inspector, who has specially inquired into the subject. In this case the Department is supporting the parishioners of Highworth against a reactionary local authority and reluctant magistracy. In Swindon the Standards are 5 and 4.

THE NEW FRENCH GENERAL TARIFF.

VISCOUNT SANDON asked the President of the Board of Trade, Whether he can state how soon the translation of the new French Tariff, ordered on July 6th, and the first portion of the Return ordered on April 6th, showing the increase or decrease in the Duties leviable on the leading articles of British produce and manufacture, in the years 1860—1870, 1873, and 1880, by the principal countries of the world and by the British Colonies, will be in the hands of honourable Members?

MR. CHAMBERLAIN, in reply, said, that the first Return in question was laid on the Table on Tuesday. The second Return was a very difficult one to prepare, involving much time and labour, and it was impossible to intrust it to ordinary clerks. It had to be very carefully revised by the superior clerks

of the Department. There were 70 or 80 pages of it in type, however, and he proposed to present it to the House as soon as it was received.

ROYAL UNIVERSITY OF IRELAND—UNIVERSITY WORK.

MR. DAWSON asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been called to the Report of the President of Galway College and to the strong advocacy therein contained of the retention of teaching as a part of University work; and, whether the New Royal University, making no provision for teaching, leaves the great mass of the Irish people without any provision for academic training, whilst a minority will have the Queen's Colleges and Trinity College to supply to them that great advantage?

MR. W. E. FORSTER, in reply, said, that the hon. Gentleman had asked the same Question yesterday. The hon. Gentleman knew what the Bill was as well as any hon. Member. If he would read the Bill he would see that its object was that the University should be an examining rather than a training body. He did not know whether the object of the Question was to obtain an expression of opinion from him on the subject, and he did not see how his opinion was of any value in the circumstances; but he might state that, though the Universities ought to be as much as possible training bodies, he really saw no advantage in asking a Question which had really reference to the Bill that had passed.

MR. DAWSON drew satisfaction from the fact that his Question had extracted from an official of the Government the expression of the opinion that the University ought to be a training rather than an examining institution.

MR. BERESFORD HOPE asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Senate of the Royal University of Ireland has done anything to meet the objection taken in his letter of July 22nd last, that their scheme has been framed so that the prizes for students "are not limited by either a fixed numerical proportion or a defined standard of attainment;" and, whether the omission of the word "fellowship" from the letter of July 27th 1881, from the secretaries of the Royal University, means that the Senate do

not intend to provide any fellowships under the grant now proposed to be made to the Royal University?

MR. W. E. FORSTER, in reply, said, he had no further communication from the Senate; but it would be easily seen from their letter what the sum appropriated to prizes was. He calculated the expenses at £4,000, the expenses for Professors and Examiners at £8,000, and the remainder of the £20,000 went for prizes. The omission of the word "fellowship" from the latter paragraph of the correspondence was due to the fact that it was really included in a previous paragraph.

THE PARLIAMENTARY OATH—LEGISLATION.

MR. THOMASSON asked the First Lord of the Treasury, Whether, during the Recess, the Government will consider as to the introduction of a Bill to allow every legally elected Member to take his seat, whether he be or be not willing to take the oath?

MR. GLADSTONE: So far as this Question may have reference—I know not whether it has—to the case of the hon. Member for Northampton, I would refer the hon. Gentleman to the answer I gave the other day. It was in general terms; but it gave a perfectly distinct intimation of the intention of the Government. If it is a question of the alteration of the law with regard to Parliamentary Oaths on general grounds of policy, the decision would necessarily be reserved until the time when Her Majesty's Government were in a position to consider what measures they should present to Parliament in the next Session.

COMMERCIAL TREATY WITH FRANCE (NEGOTIATIONS).

VISCOUNT SANDON asked the First Lord of the Treasury, Whether he will arrange that, during the forthcoming final negotiations respecting the French Treaty, which are to take place at Paris, representatives of the Associations and Societies connected with the principal trades which will be affected by the Treaty shall be present in Paris during the negotiations of the High Commission, so as to assist the Commission with their practical knowledge of the matters under negotiation; and, whether he will direct that there should be laid upon the

Table, before the close of the Session, a copy of all the official correspondence between the Board of Trade, the Foreign Office, and the Royal Commission for the Commercial Treaty, and any persons, firms, and commercial associations with whom the Government has been in correspondence, together with any circular or notification which has been issued by the Royal Commission?

MR. GLADSTONE: I am afraid I must answer the Question of the noble Lord with some reserve, because it assumes that negotiations respecting the French Treaty are to take place at Paris. That is a matter on which no decision has yet been come to, and which really depends upon the correspondence now going on, and, in fact, upon declarations which may, perhaps, be obtained from the Government of France. Then, with regard to securing that Representatives of Associations and Societies shall be present in Paris, the fullest notice and knowledge will be given to them, as has been the case at the previous stages of the negotiations, in order that they may exercise their discretion on the matter. They will have all the opportunities which they have enjoyed while the negotiations were going on in England. As to the latter part of the Question, in regard to the production of all the official Correspondence, and also of the correspondence with firms and commercial Associations, I have to say that it is the intention and the desire of the Government to present the official Correspondence; but there are parts of it with respect to which we are under the limitation of having to apply abroad for permission to do so. I cannot, therefore, give a pledge that it will be done; but, as far as it depends upon us, it will be produced. As to the correspondence of private parties, I cannot give such an absolute pledge—first, because it is very bulky; and, in the second place, because private parties who communicated information of very material importance made it a condition that it should not be made public.

VISCOUNT SANDON: Will the official Papers be presented before the end of the Session, or before the negotiations are resumed?

MR. GLADSTONE: It would hardly be wise to give a positive pledge as to that. The best pledge I can give is that the official Correspondence, and whatever

Mr. Beresford Hope

we can lay on the Table, shall be produced at the very earliest moment that we are able to do so.

Mr. RITCHIE said, he intended to bring forward the Motion of which he had given Notice on this subject to-morrow, and he appealed to the hon. Members for Eye (Mr. Ashmead-Bartlett) and Birkenhead (Mr. Mac Iver) to give way in favour of a question of such pressing importance. He understood that the hon. Member for Eye was willing to give way.

Mr. MAC IVER said, that, so far as he was concerned, he would not like to stand in the way of a discussion in regard to the present position of our commercial relations with France, and, therefore, very willingly gave place; but that he would like to make an appeal to his hon. Friend the Member for the Tower Hamlets (Mr. Ritchie) to add to his Resolution words such as would have the effect of declaring that no Commercial Treaty should be entered into which allowed France to continue, whether by a *surtaxe d'entrepôt* or other means, to place the importation of foreign produce *vid* ports in Great Britain or Ireland at special disadvantage as compared with importations direct.

PARLIAMENT—PUBLIC BUSINESS— THE NAVY ESTIMATES.

In reply to Sir JOHN HAY,

Mr. GLADSTONE said, that the Navy Estimates would be taken to-morrow, in case the Government were not able to proceed with them to-night; but he was sorry to say he understood that there would be an amount of Business to be got through before going into Supply to-morrow.

WEST INDIES—DEMERARA—DEFALCATIONS IN THE ADMINISTRATOR GENERAL'S DEPARTMENT.

Mr. ERRINGTON asked the Under Secretary of State for the Colonies, Whether he has received any information about a Resolution proposed in the Court of Policy at Demerara praying for an independent inquiry into the recent defalcations in the Administrator General's Department; and, whether he will take steps to secure that the inquiry now proceeding shall be thoroughly independent and searching in its character, by not allowing any of

the indirectly implicated officials to take part in it?

Mr. COURTNEY: No official information on the subject has been received at the Colonial Office; but from the Reports in the Colonial newspapers it appears that a Resolution to the effect stated by the hon. Member was proposed in the Court of Policy, but was either withdrawn or ruled to be out of order. The inquiry referred to in the second part of the hon. Member's Question is completed; but my noble Friend the Secretary of State proposes to have another and independent inquiry.

WEST INDIES—JAMAICA.

Mr. ERRINGTON asked the Under Secretary of State for the Colonies, Whether the Report of the Civil Service Inquiry in Jamaica has been received; and, if so, whether he will lay it upon the Table before the House rises?

Mr. COURTNEY: The last portion of the Report, which is very voluminous, has only recently been received, and it has not yet been possible to consider it, or to decide whether there will be any advantage in publishing it.

ORDERS OF THE DAY.



LAND LAW (IRELAND) BILL.

CONSIDERATION OF LORDS' AMENDMENTS.

[THIRD NIGHT.]

Lords Amendments *further considered.*

Page 16, lines 1 and 2, leave out ("held by occupying tenants and"), the next Amendment, *agreed to.*

Page 16, line 9, leave out from ("provided") to ("that") in line 14, the next Amendment, read a second time.

Mr. GLADSTONE moved to disagree with the Amendment. The words which he proposed to re-insert were—

"Provided that at the expiration of such existing leases the lessees shall be deemed to be tenants of present ordinary tenancies, from year to year, at the rents and subject to the conditions of their leases respectively, so far as such conditions are applicable to tenancies from year to year; and provided also that."

The case stood thus—on consideration it appeared to the Government that though it was quite right that the character of present tenant should attach to the lessee at the close of the lease, subject to a limitation mentioned when they

discussed the matter, yet there was no reason in the world why the present tenant should not have his lease fairly secured to him, and that he should be free from further litigation at the instance of the landlord; and they, therefore, proposed that the lease should serve as the first statutory term.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendment."—*(Mr. Gladstone.)*

SIR STAFFORD NORTHCOTE contended that when a lease had been granted it had been granted usually on the understanding that it was for a certain period; that the terms were agreed on by both parties; and that it was a part of the bargain that, at the expiration of the term, the property would revert to the landlord.

MR. GLADSTONE said, this was the correct English construction of a lease, but it was not the Irish construction, which was totally different. In order to show how different it was, he would refer to the Ulster Tenant Right Bill which was brought in just before the General Election by the hon. Member opposite (Mr. Macartney), and approved by the right hon. Gentleman. In the 3rd clause of that Bill it was provided—

"That whenever the lease of any holding forming part of any estate in Ulster on which estate the Ulster tenant right custom had prevailed should terminate, the person or persons having a beneficiary interest in the estate should be entitled to resume the property as if he or they were in the possession of a tenancy-at-will."

LORD RANDOLPH CHURCHILL said, there was not the slightest analogy between the Bill referred to by the Prime Minister and the Bill now before the House. He was perfectly certain the hon. and learned Member for Dundalk (Mr. C. Russell) would not quote that Bill in support of the provisions of the Bill now under consideration. Tenant right in Ulster was absolutely inseparable from the soil, and it was a perfectly different thing from what was now proposed. Under a lease in Ulster the landlord if he went to turn the tenant out should, first of all, pay him for the tenant right. Under this Bill, which was to apply to parts where there was no such custom as that which prevailed in Ulster, the landlord was to be prevented from doing that

which was the essence of his lease. He hoped the House would not be deluded by the argument used by the Prime Minister.

VISCOUNT LYMINGTON said, he dissented from this Amendment on the very strong grounds of the practical and accepted view of the matter in Ireland. On the property with which he was connected it had long been the custom to grant to agricultural tenants leases for 31 years. In some cases the families of those tenants had been on the same farms for 200 years, and there existed among those men ingrained and conscious expectations that on the expiration of the lease their farms would be re-valued for rent, and that, subject to their accepting that re-valuation, they would be allowed to retain their farms. Nor was that other than natural. To a nature far less susceptible of such feelings than the Celt the pang would be bitter and the separation cruel from a home endeared to him as the result of his labour and capital, and around which had intertwined themselves many kindly and affectionate associations. But apart from those considerations of sentiment, the leaseholders were possessed, together with all Irish occupiers, with that living tradition of possessory right which, to use the language of the Bessborough Commission, had survived to them through all vicissitudes, and in despite of the seeming or real veto of the law. He dissented lastly from this Amendment on the ground of policy. The class of large leaseholders were not only the best and most enterprising farmers, but possessed the strongest and most efficacious means for influencing and controlling public opinion. The Bill aimed at strengthening and securing the rights by extending the interests of property; and he sincerely trusted that that great legislative experiment might not be deprived of a fair trial for fulfilling its great object.

MR. GIBSON pointed out that the noble Lord (Viscount Lympington) had fallen into the same mistake as the Prime Minister. As the noble Lord the Member for Woodstock (Lord Randolph Churchill) had pointed out, the two questions were as different as day from darkness. No one asked to prejudicially affect the Ulster Custom or any usage analogous to tenant right outside Ulster, and the Amendment of the Lords left un-

Mr. Gladstone

touched the provision in the centre of the clause relating to "the Ulster custom, or usage analogous thereto." He would remind the House of the real way in which the Lords asked to maintain the clause. Their Lordships only sought to set right an afterthought of the Government. On all the 22 drafts and revisions that this Bill went through—

MR. GLADSTONE: It never did.

MR. GIBSON: Well, 20.

MR. GLADSTONE: No, not right.

MR. GIBSON: Well, in all the numerous revisions—so numerous that they could not be counted—the Ministers never for a moment dreamt of presenting to Parliament as their first deliberate proposal that there should be any tampering with existing leases. It was not until the Bill had advanced to a considerable stage in Committee, and not until after the 29th of June, that it occurred to the Prime Minister that he would get the Attorney General for Ireland to put that Amendment on the Paper. [MR. GLADSTONE dissented.] He (Mr. Gibson) had heard the Prime Minister administer a grave rebuke to an hon. Member on that side of the House for shaking his head; but there was no one who could more resolutely convey his opinion in that manner than the right hon. Gentleman himself.

MR. GLADSTONE: On matters of fact. When an opinion is ascribed to me that I have not expressed, I take the liberty of indicating my dissent in that manner.

MR. GIBSON said, he was ready to accept any correction from the Prime Minister, whether by word or suggestion. [MR. WARTON: Or gesture.] Up to that time they had never stated that they intended to make any change in their original proposal. The House could not but clearly recognize that the Amendment merely sought to replace the Bill in the position in which it was first introduced to the House, and which was retained until June 29. What was the Amendment now sought to be rejected, and what were the words to be re-instated by the Government? Everyone knew that every lease contained a clause that at its expiration the lessee should surrender; and that was not only contained in every lease, but by an Act of Parliament, for which some of the present Ministry were responsible, passed

in 1860, a covenant to surrender at the end of the tenancy was to be presumed. The Amendment of the Government proposed in general terms that with respect to all leases, whether they were made before or after 1870, whether the rent was high or low, the landlord harsh or indulgent, the tenant improving or the reverse, at its termination, instead of the landlord being able to resume possession, he should continue, whether he liked it or not, a tenant who could bring him into Court and get a term of 15 years renewable as often as he pleased. If that was not a very substantial innovation on the original proposition of the Government all he could say was that it would appear to be so to any casual observer. The noble Lord (Viscount Lymington) had referred to property with which he was connected; but that was one of the properties in Ireland where a usage analogous to the Ulster Custom prevailed. The Prime Minister had quoted a clause from the Bill in reference to that which for the first time became a serious moot point in Ulster after the Act of 1870. Things got on smoothly until then, when there arose a great deal of anxiety and confusion as to whether tenant right at the expiration of a lease was destroyed or not. To clear up that point a Bill was brought in on the Conservative side of the House, and assented to by a very substantial portion of the House; but this Amendment did not seek, in the slightest degree, to confine itself to Ulster or to places where a similar custom prevailed. The argument of the Prime Minister was that leases in Ireland were different from leases in England—in other words, that agreements containing the same words and executed in the same solemn manner were to be interpreted differently in both countries. Surely the proposition need only be stated to show its utter absurdity. The Prime Minister argued that an Irish lease did not mean what it said, but something else—in other words, read in the light of present events, it meant that a man, after having made a covenant to give up possession, was not to give up possession. He (Mr. Gibson) was disposed to think that, although second and third thoughts were sometimes wiser than first ones, yet in this case he believed the earlier opinion of the Government had been most con-

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sidered; and the Amendment of the Lords was in accordance with the Bill as originally introduced.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, this matter had been already fully discussed in Committee, and he had been in hopes that it might at this stage have been disposed of without much further debate. No arguments had been adduced in "another place" against what the Government had done and what the House had sanctioned. His right hon. and learned Friend said that the first word on the subject was heard on the 29th of June. Did his right hon. and learned Friend forget, or was he so inattentive as not to have heard, the speech of the Prime Minister on the 16th of May? In that speech his right hon. Friend the Prime Minister said—

"In the same way, another bye question which we have considered, and the result of which consideration appears in the Bill—but it may be worthy, notwithstanding, of future consideration—is the question for current leases. That also is evidently a question which, in my opinion, ought to be reserved for the Committee on the Bill."—[3 *Hansard*, cclxi. 590.]

His right hon. and learned Friend was—he did not like to use a stronger word—at least inaccurate.

MR. GIBSON said, that he fixed the 29th of June because on that day the Prime Minister, in dealing with an Amendment of the hon. Member for Wicklow (Mr. W. J. Corbet), said that the Government would not be parties to re-opening the covenants in a lease.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, there again his right hon. and learned Friend was quite inaccurate, for the Amendment he referred to raised a wholly different question. It was not the same Amendment. The Amendment of the hon. Member for Wicklow was one which proposed to empower the Court to alter the rent payable under a lease, leaving the other obligations of the lease untouched. He (Mr. LAW) could see no reason for making any difference between one part of the country and another, and the Government had acted on what they believed to be the general sentiment of Ireland as well as, to a great extent, of this country also. If the landlords could not get back their property in one part of Ireland without paying full compensation for the tenant right, he saw no reason why there should

be a different practice in another part of the country. In and out of Ulster leases were regarded as documents fixing rents for certain specified times, and this was the contemplation of both parties at the time when leases were made. He could not see that a tenant holding from year to year for a lengthened period had any better right to be regarded as a present tenant than another who had held for, perhaps, a much shorter period, but whose tenancy had been under the conditions of a lease. It seemed to him to be not only unfair, but also impolitic, to preserve in one part of the country a custom which was denied to another, and which was, as he believed, based on the sentiment and habits of the great majority of the people of Ireland.

SIR WALTER B. BARTELOT said, he thought the Prime Minister had been very much influenced in this matter by the hon. and learned Member for Dundalk (Mr. C. Russell). In his (Sir Walter B. Bartelot's) own opinion, this was the most dangerous proposal in the whole Bill. It absolutely took away the property of one man and handed it deliberately to another. It stood to reason that landlords would not turn out tenants who had done their duty by their holdings; but no one could, in common justice or common sense, contend that a landlord should not have the power to resume possession of his property when the tenancy—that was to say, the lease—had expired in due course of law. No matter what could be said to the contrary, he could only regard this particular provision in the Bill as one conferring upon all tenants in Ireland perpetuity of tenure, and, as such, he believed it would be as bad in practice as it was mischievous in principle. If the Amendment was struck out, he hoped the other House of Parliament would re-insert it, notwithstanding whatever consequences might arise. This was one of those points for which they had no absolute reason assigned by the Government for disagreeing with the Lords' Amendments; and as it was against common sense and justice to strike it out he hoped it would be maintained.

MR. GÖSCHEN: The hon. and gallant Gentleman who has just spoken has said that this is one of the most dangerous clauses in the Bill. I think both sides will admit it is one of the most important clauses of the Bill; and,

Mr. Gibson

being so, it is one with regard to which this House should be exceedingly careful what steps it takes, and I trust the House will forgive me if, for a moment, I state the reason why I shall vote with the Government on this clause. I consider it is one of the most important clauses in the Bill, and it is one on which Her Majesty's Government is certainly not likely to give way. I do not know whether the other House are likely to give way; but this House may, I am sure, take for granted that Her Majesty's Government will stand by their resolution to disagree with the Lords with regard to this clause. That being so, I think every Member of the House ought to ask himself what is the result of any vote he would like to give, and I ask myself this question. If hon. Members opposite should have a majority on this question, is it not certain the House of Lords will stand by their Amendment, and that the result will be the loss of the Bill? I am not prepared for such a calamity, for I think it would be a calamity to the country under existing circumstances. The remarks I have made do not only apply to the present clause, but to other important clauses of the Bill. The time for mere protest has gone by; we have now got to take a practical view of the situation, and that appears to be this—do we desire this Bill should pass? [Mr. WARTON: No!] I think the unanimity of the House is proved by there being, in fact, only one dissentient; and it strikes me there is no Party in this House, or the other House, which does not wish to pass this Bill; and I think it the duty even of hon. Members who may not entirely agree with the Government, or who may not agree with a particular clause in the Bill, nevertheless to ask themselves what is the reasonable course to adopt, and whether they will give such votes as will imperil the whole of the Bill. It strikes me that this is a perfectly fair and candid view to take of the situation. It is perfectly fair to ask ourselves whether we are so determined in favour of any particular Amendment, and against the proposal of the Government, that we would wish to encourage the Lords to take a course that would imperil the Bill. Though we may differ in some points, it appears to me to be a practical course now not only to look at a particular Amendment but to the fate of the of the Bill; and I trust there are few

who will encourage the Lords to take any action which might imperil the whole passing of the Bill.

SIR R. ASSHETON CROSS said, after the somewhat extraordinary speech which they had just listened to, he must trespass upon the time of the House for a few minutes. The argument of the right hon. Gentleman practically amounted to this—that hon. Members in that House were to give no expression in future to their opinions—that debate in future was to be useless whenever the Government stated that they intended to strike out any of the Lords' Amendments to a Bill. In the opinion, therefore, of the right hon. Gentleman, that House was bound to endorse the opinion of the Government without discussion or comment. The right hon. Gentleman said he should not vote against the Government on this particular Amendment, because if there were a majority against them the Lords would insist on retaining it. But if the Government were defeated the Lords would have nothing further to do with the Amendment. [Mr. GOSCHEN: Then the Bill would drop.] He could not believe for a moment that the Government would drop the Bill if they were defeated on this point. If a Minister would get up and say that if the Government were beaten on any particular point in the Bill they would drop it altogether, the argument of the right hon. Gentleman would apply; but he (Sir R. Assheton Cross) could not conceive any Minister making such a statement. The provision which the Lords had amended was not in the Bill as it was originally drawn; and that being so, he should like to see what position the Government would be in if they appealed to the country. He, for one, should certainly not be intimidated, on account either of the fate of the Government or the fate of the Bill, from giving his vote or opinion on any point that might arise in the course of these discussions, as he thought every independent Member ought to do.

MR. H. R. BRAND remarked, that after what had passed he felt bound to say that he intended to vote with the Government, because he believed that the Government were in the right. The hon. and gallant Member opposite (Sir Walter B. Barttelot) had said that the paragraph in question introduced a most dangerous principle into the Bill. He

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did not admit that, and he put it to the plain test if it was just in Ulster it was equally just in the rest of Ireland, and it had been admitted by the Leader of the Opposition that it was just in Ulster; therefore, the simple question was whether tenant right existed in the rest of Ireland as in Ulster. The original blot in the Bill, as he considered it, was the exclusion of the leaseholders from the Bill, because by that exclusion a large number of tenants, not differing in point of character from other tenants, would have been deprived of the advantages of the measure. He had voted, though in no hostile spirit to the Government, in favour of an Amendment to the Bill for excluding tenants of £100 valuation and upwards from the 7th clause of the Bill, but that was a totally different thing, because it was upon the principle that these tenants were able to take care of themselves; whereas the leaseholders affected by the clause were small as well as large tenants. The Bill, roughly speaking, extended the Ulster Custom throughout the rest of Ireland; and he contended they would be doing right by following the well-known custom in Ulster—that was to say, that the tenant right existed at the end of the lease. With regard to the question of a breach of faith of the Land Act of 1870, his idea was that the breach of faith had rather been on the part of some landlords who had forced leases upon the tenants. There was evidence before the Commissioners to show that there were many cases in which these leases had been forced upon tenants, and he quoted from the evidence—not of a tenant farmer, but of a land agent—to show that the object of this was to get rid of the tenant's claim for compensation against his landlord. He should be sorry to see any Amendment carried in this Bill which was vital to its principle or which would injure its prospects of success; and it was because he believed that the Lords' Amendment would injure the prospects of success of the measure that he should vote against it. He believed it would deprive some of the small tenants of Ireland of the safeguard which they required against having their rents raised and raised again in proportion to the energy and skill which they had shown in conducting their leases.

Mr. A. J. BALFOUR said, he thought that Her Majesty's Government might

congratulate themselves upon at length receiving unqualified support from many of their Friends below the Gangway, who had hitherto favoured them with an excess of candid criticism. If the hon. Member who had last spoken thought that the Government were right, the right hon. Member for Ripon (Mr. Goschen) thought that they were wrong, his view being that hon. Members in that House should vote against their consciences, lest any noble Lord in the other House of Parliament should have the courage to vote according to his own. On what theory of Parliamentary government did the right hon. Gentleman go? Was it tolerable that the threat should be held out to them and to noble Lords in "another place" that any alteration which the Government, in a fit of petulance, should refuse to accept, might cause them to drop the Bill and throw the responsibility on Members of the Opposition or on the other House? Parliamentary government could not possibly be carried on on such conditions. If neither Members of that House nor Members of the other House were to introduce Amendments on the Bill which modified it in some of its most pernicious features without being coerced by the threat that the Government would drop the measure the privileges of both Houses were in danger.

Mr. CHARLES RUSSELL said, he should certainly not base his support of the Government on the grounds put by the right hon. Member for Ripon. He supported the proposal contained in this clause because he believed it to be just in itself and to be a very important step towards abolishing the distinction which he had always believed to be an invidious and unhappy one between Ulster and the rest of Ireland. He also supported it because it recognized and gave effect to the practice and sentiment which obtained in Ireland on the subject. In Ulster there had been, in some respects, a sturdier race than in the rest of Ireland. ["No, no!"] Yes, in many respects; and a race which had also been favoured in former days by the Government of this country for many reasons—the matter of religion amongst others—special favours and protection had been extended to them; and what was the result? Why, that a powerful public opinion rose up in Ulster, of which the custom was merely

Mr. H. B. Brand

an expression. That was the origin and meaning of the Ulster Custom, and he hoped this invidious distinction would be removed. The landlord wanted to have a tenant who would pay him rent. At the end of the lease the tenant would either take a lease of his holding or continue as an overholding tenant, in which case he would be a tenant from year to year. There were a number of leases of which only two or three years remained unexpired. On one side of the hedge they would have a number of tenants whose leases had expired, it might be a few days or a year after the Bill came into operation, with utterly different rights and inferior rights; and on the other side they would have tenants who, in other respects, were exactly in the same position with different and higher rights. That would be simply intolerable. He hoped the Government would stand by the clause.

MR. GREGORY said, all that a covenant did was to impose a personal liability on the tenant. If he did not give up possession on the termination of the lease, but continued to hold over, he was merely a tenant from year to year.

MR. MACDONALD said, he should not have risen to take any part in this debate if it had not been for the remark of the hon. and gallant Member for West Sussex (Sir Walter B. Barttelot) that he hoped the Lords would stand upon their rights, and would restore the Amendment if it were rejected. If the hon. and gallant Gentleman was prepared to give that advice to his Friends to try conclusions, he, for one, as representing a popular constituency, was perfectly willing to do the same, with this conviction—that there was a “beyond” to which the Government could refer, and in referring to which they would have a voice so strong that no irresponsible Party in the State would be able to defy the opinions of that House, which had been sitting for nearly six months considering this important question. He would be the last person to excite irritation upon this question; but the irritation in this instance had come from the other side. A few days ago he addressed from 20,000 to 40,000 men, whose opinion was clearly in favour of this Bill. If the House of Lords chose to insist on their alterations in the Bill, the country would know what they were about. If necessary, he hoped the Prime Minister

would appeal to the country with reference to the Bill, feeling assured that the country would answer that appeal by saying in a manner that could not be mistaken that the Bill must pass. Should they still reject the Bill then their existence must be dealt with.

Question put.

The House *divided*:—Ayes 254; Noes 125: Majority 129.—(Div. List, No. 376.)

Lords' Amendment *disagreed with*.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) moved, in page 16, line 10, after “lessees,” to insert “if *bonâ fide* in the occupation of their holdings.”

Amendment *agreed to*.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) moved, in line 13, after the words “year to year,” to insert—

“But this provision shall not apply where a reversionary lease of the holding has been *bonâ fide* made before the passing of the Act,” in order to meet the case of a reversionary lease.

Amendment *agreed to*.

MR. GLADSTONE said, there was another case in which the Government thought it equitable to provide for the landlord's power—namely, the case where he had a *bonâ fide* desire to resume the holding, not for the purpose of letting, but for his personal use and occupation. He accordingly proposed, in page 16, line 14, after the word “that,” to insert the words—

“Where it shall appear to the satisfaction of the Court that the landlord desires to resume the holding for the *bonâ fide* purpose of occupying the same, the Court may authorise him to resume the same accordingly, in the manner and on the terms provided by the fifth section of this Act with respect to resumption of a holding by a landlord.”

Question proposed, “That those words be there inserted.”

MR. GIBSON said, as far he understood the reference which was made, it was this—that on the termination of a lease the landlord might be permitted by the Court to resume possession of the holding if the landlord was willing to pay the full amount that the Court awarded against him.

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THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): The full amount of the compensation of the tenant.

MR. PARNELL said, the adoption of the Amendment would create a very great feeling of uncertainty in the minds of tenants in Ireland as to what would become of them on the termination of their leases—an uncertainty which would tend almost necessarily to induce a tenant holding a farm on lease to run the farm out before the expiration of his tenancy as much as possible. The direction of the Amendment was simply this—it told the tenant—"If you improve your farm, and make it a desirable farm for your landlord to cultivate at the end of your lease, it is exceedingly probable that your landlord will so desire to cultivate it." They knew that some of the greatest past hardships in connection with Irish land tenure arose from the wholesale clearance of good and fertile land, which the landlords, in the words of this Amendment, had *bond fide* desired to enter into the occupation of themselves. In many of the best counties of Ireland—in Wexford, Kilkenny, and in some parts of the county Waterford—the landlords under the present law were clearing their estates by the action of the Emergency Committee and entering into the occupation of those estates themselves, and cultivating them. He thought they ought to resist most strenuously the direction and general bearing of this Amendment, which could not fail to be of a most disastrous character. He trusted the Government would reconsider this matter, and not, by a retrograde step of this kind, introduce an element of uncertainty into the minds of the tenants holding under leasehold tenure as to what their position would be, or could be, at the expiration of their term.

MR. GLADSTONE said, he had been content to rest this on the general equity of the case. He hoped that the hon. Member for Cork City (Mr. Parnell) would not prosecute his objection, because really, in the first place, this was evidently a limited question. He could not join in the apprehension that the Irish landlords were so differently minded from other landlords that they were likely to undertake a general operation for the purpose of getting farms into their own hands; that that which was the perfect horror of every other landlord, of getting farms thrown on their

hands, except in certain exceptional circumstances, would become the delight and the passion of landlords of Ireland. If the hon. Member were right in his supposition that this provision would induce tenants to run out their farms in the last year of their leases, that would be a very strong objection; but it was evident that every man who thus exhausted his land would destroy or whittle away his compensation; for according to the condition of the farm at the termination of his occupancy would be the amount of compensation awarded to him. He hoped the House would be allowed to pass the Amendment.

MR. T. P. O'CONNOR remarked, that the Prime Minister had now taken to patting the Irish landlords on the back; but his whole Bill was based on the great difference between them and English landlords. He knew many cases in which landlords were very anxious to get back farms. The right hon. Gentleman clearly did not appreciate the importance of his own Amendment.

MR. MACFARLANE regretted the Amendment by the Prime Minister, in the interest of the 100,000 leaseholders in Ireland, and the uncertainty it would throw them into. But they might as well attempt to move a stone wall by words as move the Prime Minister.

MR. GIVAN said, he had a very strong objection to the Amendment. It would unsettle the whole of the leaseholders of the country. What security would the Court have that the landlord wanted the holding for a *bond fide* purpose? The whole principle of the proposal was bad, and he should have great pleasure in voting against it.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, the effect of the Amendment had been exaggerated. He pointed out that already they were going to trust to the Court for a variety of things. The Bill reposed confidence in the Court, and no resumption could be had unless the Court were agreed that the farm was *bond fide* required by the landlord for his own occupation. There were a great many cases in which no human mind could ever consider a landlord wanting it for his own purposes of occupation; and it was a reasonable thing that a landlord, having given a lease of his land many years ago, should have the power of resuming

it at the termination of the lease if he wanted it for personal occupation.

MR. T. D. SULLIVAN said, the Amendment would have a most injurious effect. It would only tend to clear the tenants from the farms of Ireland. It placed another facility for doing this in the landlords' hands. The Prime Minister had said that the landlords of Ireland had been tried and acquitted; but if they had, it had been by a jury of landlords. The people of Ireland had no confidence in the landlords, and there would be no peace in Ireland until the Irish landlord had followed the dodo.

MR. P. MARTIN said, he thought that it was the duty of Irish Members to oppose the Amendment. Its practical tendency plainly was to encourage and facilitate landlords in resuming possession of their tenants' holdings in order to add them to their grazing tracts, which already were too widely extended, and had caused so much suffering and distress in many parts of Ireland. When possession had been taken there was nothing in the provisions of the Bill to prevent the landlord from re-letting the lands under what was known as a grazing contract. His hon. Friend the Member for the City of Cork had done right in calling attention to the evils which had resulted from clearances. He remembered in county Meath, when ejectment after ejectment took place, where the tenants were willing and able to pay fair rents, simply for the purpose of clearances. The effect of the Amendment would be most disastrous. The professed object of the Bill was to give increased security to the general body of Irish tenants and prevent eviction. It was unfortunate that the Prime Minister should now propose to disfigure the fair promise of the measure by the present provision. He felt convinced that in Ireland the insertion of the clause would, by the farming class, be received with the greatest alarm and distrust.

MR. DAWSON said, that it had never occurred to him that a new danger should come from the Government. He knew from his own experience that so anxious were landlords in Ireland to get the land into their own hands that they resumed possession even at their own loss. The Amendment would be disastrous, not only to the people of Ireland, but to the Empire, as preventing the

full development of the resources of Ireland.

MR. HOPWOOD, as an English Member, regretted the introduction of the Amendments. It would only be applicable in a few cases, and it was a pity that for the sake of these cases they should make every leasehold tenant in Ireland shake in his shoes, lest at the termination of his lease his land should be resumed by the landlord. He appealed to the Prime Minister to withdraw it.

MR. CARTWRIGHT said, he thought a great deal of the argument against the Amendment was not to the point; but really the Amendment would only remove an obvious injustice to landlords.

MR. SHAW said, it would suit many landlords to clear away 700 or 800 acres to make a good grazing or tillage farm of the land. At the same time, he did not think there was any great danger, as a general rule; because he was sure that under this Bill the aim of landlords would be to get good tenants and keep them. The Amendment, he suggested, might be so modified as to prevent any great danger. There was an injustice in saying to the landlord that he would not get his land under any circumstances at the termination of a lease; but the Amendment might be more defined by saying he might have the land for himself, or some member of his family, to reside in or for a home farm, which would not be unreasonable at all. But he further suggested that if the landlord sub-let a farm so acquired after four or five years, and the man coming in were to be considered a future tenant, then that would lead to injustice.

MR. O'SULLIVAN said, the Amendments made by the Lords were bad enough; but it took them by surprise to find the Government proposing such an objectionable one as the present. It would give the landlords who desired it the power of turning holdings into grazing farms. If this Amendment were insisted upon, the Bill would be a message of dissatisfaction instead of a message of peace.

MR. SYNAN said, the Government no doubt had this excuse, that they had inserted the Amendment in order to carry the whole clause through the other House. It was a clause the object of which was to oil the machinery

[Third Night.]

of the two Houses; but when the House of Lords had not proposed the Amendment, he thought the Government might have left it alone. As the Amendment was now framed, the Court would have no power of inquiring into the reasons why the landlord was led to resume possession. If the Government desired to pass the Amendment without difficulty, it would be well to provide that the objects for which the occupation was required should be stated to the Court.

MR. MITCHELL HENRY said, that where a man had agreed to resume his property he should have the power to do so. They must be prepared to give up something. [Mr. HEALY: Why?] He thought it would only be an act of justice to have some such clause in the Bill; and it should be remembered that the man who resumed his property would have to pay a heavy penalty by way of compensation to the tenant. He thought if the right of resumption were restricted to the purposes of residential occupation that would meet the case. Hon. Members opposite talked about grazing farms; but they ought to know that they were made before the passing of the Land Act of 1870. He suggested the addition to the Amendment of such words as these—

"If the landlord wishes to resume the farm *bonâ fide* for the purpose of residential occupation, or for the purpose of a home farm, provided always that if he re-let the farm within 16 years the tenant shall be a present tenant."

LORD RANDOLPH CHURCHILL said, he hoped that on this occasion the Government would pay the House the respect of adhering to their own Amendment. If they did so it would be the first time during this Bill that they had stuck to any one of their proposals; but he saw that the Attorney General and the Prime Minister were already consulting with the view of reducing the Amendment to a nullity.

MR. HEALY said, the hon. Member (Mr. Mitchell Henry) reminded him of the unjust steward who was told to make friends among the mammon of iniquity. When rejected by the tenant farmers of Galway the hon. Member would be received into those everlasting dwellings on the other side of the House. Mr. John Mitchel had advised those who were evicted by their landlord to shoot him like a dog—"Oh!"—stay, he

had not finished; if they could not catch the landlord, they should shoot the agent, and if they could not catch the agent, they should shoot the bailiff, and if they could, they should shoot all three. He referred to that statement merely to show how eviction was regarded by some persons in Ireland, because what the Government called "resumption" would be looked upon as "eviction" in Ireland. If the Government really desired to put a stop to agrarian passion and strife in Ireland, they should give the tenant ease of mind and peace of heart, otherwise this Irish question would haunt them and their successors for years to come. He advised the Government to let the Lords do their own dirty work; and if this Amendment was to be inserted at all, the Government should have allowed it to be put into the Bill by the hereditary enemies of the Irish people across the Lobby. ["Oh!" "Order!"]

SIR HENRY TYLER: I rise to Order. I wish to ask, Sir—

MR. SPEAKER: The hon. Member is speaking in terms of disrespect of the Members of the other House of Parliament. He has no right to speak of the Members of the other House of Parliament as the hereditary enemies of the Irish people.

MR. HEALY (resuming) said, he did not know that in so saying he was transgressing Parliamentary rule, and he therefore asked to withdraw the expression to which exception had been taken. He had warned the Government of the feelings which prevailed in Ireland with regard to these evictions, and he asked them to leave such Amendments as this to the Lords. He did not believe their Lordships were a very courageous body. ["Order!"] He did not think that was an offensive expression. He meant politically courageous, of course. If they were so they would have thrown out this Bill; but they knew very well the dangers that would arise out of leaving this question unsettled. Let the House send the clause back as it originally stood, and let their Lordships again try their hand at carving it. The Irish Members intended to amend the proposal of the Government in various ways, and if the process took some time it was not their fault. He would move to leave out subsequently the word

Mr. Synan

"occupying" and insert "residing on."

SIR PATRICK O'BRIEN remarked, that if the hon. Member for Galway (Mr. Mitchell Henry) would embody in the Amendment the excellent principles he had just enunciated many hon. Members near him would support him. He could not say whether the hon. Member for Wexford (Mr. Healy) had given a correct quotation of the remarks of the late Mr. Mitchel. ["Question!"] The hon. Member for the City of Galway (Mr. T. P. O'Connor) cried "Question!" but there was no one who spoke with less relevancy to the Question under debate than the hon. Member, who always tried to glorify himself. Whether the quotation was correct or not, he contended that no Member of that House had a right to quote such remarks unless with the intention of repudiating them. The hon. Member and his Friends might fairly claim to be, in a great degree, leaders of the Irish people. If they were so their words ought to be measured. Although the Irish Members were anxious in every way, whether by this Bill or otherwise, to improve the wretched condition of the Irish people, and to improve them morally, yet he trusted there were yet Irish Gentlemen amongst them who would regard, even with greater fervour, and as a greater improvement, the protection in Ireland of the principles of order, of religion, and of morality. He therefore regretted that it was necessary for an Irish Member to have to get up in his place and repudiate the expressions contained in the quotation to which reference had been made.

MR. DALY warned the Government if the Amendment were sent to the House of Lords as an expression of the opinion of the House of Commons, they would do more mischief than they could possibly imagine. The adoption of the Amendment would lead to a violent agitation, and would be the means of creating a profound mistrust amongst the Irish people. They should remember that the Act of 1870 was rendered a failure by giving way to the Amendments of the Lords.

MR. LALOR reminded the House that the alterations weakly consented to in the Act of 1870 were, in a certain sense, the cause of the present Bill.

MR. MAURICE BROOKS said, he thought he had been found voting with

the Government in every division that had taken place on this Bill; but if the present Amendment were carried to a division without modification, he regretted to say that he would not be found voting with the Government on this occasion. If the Amendment were carried, it would amount to an emasculation of the Bill. It would carry terror and alarm to every occupier of land who had the expectation in the future of becoming an owner, and it would result in the efforts for the pacification of Ireland becoming a miserable failure.

MR. MACARTNEY said, it was very important that hon. Members had not got the Amendment proposed before them; but, so far as he could understand it, it amounted to this—the Government proposed at the termination of a lease that the landlord should be entitled to resume occupation of the holding of his tenant on paying a certain sum.

MR. GLADSTONE: For purposes of his own occupation.

MR. MACARTNEY said, so he understood it. The landlord must either reside on it, or convert the holding into a park. [An hon. MEMBER: Turn it into a grazing farm.] Why should a landlord not be allowed to graze cattle on his own property? Why, at present, a very large class of persons in Ireland obtained their living by breeding and selling cattle. They could not live on farm produce alone, and there were no manufactures at which they could get employment, so, therefore, the cattle trade was an important one. If the landlord wanted land to add to his holding, say a small portion, he should be allowed to have it; but if he wanted the land to turn it into a grazing farm, he (Mr. Macartney) thought he should not be allowed to do so. He thought that the suggestion of the hon. Member for the County of Galway (Mr. Mitchell Henry), limiting the right of resumption to cases where the landlord wanted the holding for residential purposes or for occupation by himself or his family, would meet the difficulty. Unless the Motion were modified in this direction he should vote against the Amendment.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he thought that many Members who had spoken scarcely appreciated practical work of this kind. If a landlord, at the termi-

nation of a lease, desired to resume the holding under the present state of the law he might do so. The Government interfered, and gave expression to what was the almost universal custom of the Irish people. But, on the other hand, they must regard the case from another point of view, and do substantial justice to the landlord also. If the landlord wanted the land for his own occupation, either to live upon or to cultivate, or to provide a residence for a member of his family, he thought the landlord should have the right to resume possession. He must, however, in that case satisfy the Court by such evidence as would convince them that he required the land *bond fide* for this purpose, and before he obtained it he must pay the full value of the tenancy as a present tenancy. The Court, indeed, would probably award not only the bare value of the holding, but also, regarding the case as one of constrained sale, would give something additional on that account. Under these circumstances, he did not think much alarm need be felt as to this resumption becoming a very prevalent practice, nor could the provision do any real injury, as it would only apply when the landlord could satisfy the Court that he would not re-let again. He saw, however, no objection to give a material guarantee in this respect by providing that, if a landlord re-let at any time within 15 years, the tenant so taking it should do so with all the incidents of a present tenancy. [Mr. HEALY: No good at all.] He hoped the House would acquiesce in this, and he therefore proposed to modify the Amendment by inserting the following words after the first word "same" in the Amendment:—

"As a residence for himself or as a home farm in connection with his residence, or for the purpose of providing a residence for some Member of his family."

It could scarcely be called an Amendment, for it was an alteration which had been anticipated by the Government from the beginning.

Amendment proposed to the said proposed Amendment, after the first word "same," to insert the words—

"As a residence for himself or as a home farm in connection with his residence, or for the purpose of providing a residence for some member of his family."—(Mr. Attorney General for Ireland.)

The Attorney General for Ireland

Question proposed, "That those words be there inserted in the said proposed Amendment."

SIR STAFFORD NORTHCOTE: I cannot help thinking, Sir, that the proceedings of this evening have been of a very remarkable and instructive character. Do let me ask the House to consider for a moment what it is that we are supposed to have been doing this evening. The Bill was passed with considerable labour and with great care by this House, after many weeks' discussion. It was sent up to the Lords, who, in the exercise of their Constitutional right and duty, returned it to us with certain Amendments. Those Amendments are, as we must presume, the fruit of the judgment which the House of Lords have independently passed on the various provisions on which they have made the Amendments. This House has now to exercise its independent judgment on those Amendments, and to accept them or reject them as it may think fit. In all that we have a very proper specimen of the working of the Constitutional system as between the two Chambers. But consider what we have been engaged in for the last half hour or hour. The Amendment which you, Sir, have now put from the Chair is, I presume, an important one in the opinion of the framers of the Bill, and we have every reason to suppose that a majority of this House will accept that Amendment. But if the Lords had made no Amendment in this clause, could you have proposed anything of the sort? Not at all. This House had parted with the clause, and had sent it to the House of Lords in a shape that was considered conclusive. If the Lords had let it pass you would not have had any opportunity of making any other alterations in it. We are proceeding on very delicate ground, and on a most important subject matter. We are undertaking to execute a task which for magnitude and importance has never been surpassed in this or any other country. We are not attempting to modify the relations between landlord and tenant in Ireland by alterations of the law which are to be carried out by ordinary tribunals, according to the ordinary principles of law; but we are undertaking to put into the hands of a newly constituted Court the duty of re-casting and re-modelling the social relations of the great classes interested

in this matter. Moreover, we are laying down the principles on which the new Court is to act, and we have, at least, a right to say that those principles should be brought before us by the Government in a duly considered and carefully prepared state. When the Bill was introduced criticisms were made on the insufficient way in which the leaseholders were dealt with. What happened? The Prime Minister said the Government would consider this matter and make other provisions. That statement was made as long ago as the 16th of May. The Government had ample time for consideration. They brought forward proposals, changes were made in them, and they were adopted. Even they were adopted, much too often, on a sudden and with little notice. But now, at the last stage, I may say at the twelfth hour, they come forward with proposals in manuscript, which they have a difficulty in making us understand, and which, after they have made us understand them, they are prepared to modify. All that would be serious enough if the House were in an ordinary condition. But the House is not. We have had a most significant speech from the right hon. Gentleman the Member for Ripon (Mr. Goschen), who has been absent from England for some time. [An hon. MEMBER: *Orienté!*] Well, I may say of the right hon. Gentleman—“*Il ne peut pas s'orienter*”—he can hardly find his own position. But he has the great consolation that, at all events, one thing is clear—namely, that it is his duty to stand by the Government. He said it was the duty, and had been the practice of others, to subordinate their own opinion to the decision of the Government. It is very important to bear that in mind. We are carrying on a Constitutional discussion with the House of Lords, as to whether this is a measure proper to be adopted. If this is to be a fair contention, in which the opinions of this House, as expressed in the clause they sent up, are to be understood as the independent opinion of this House, that is one thing; but if they are not to be so understood, but as the expression of the opinion of the Government reluctantly adopted and apologized for by no inconsiderable number, I suspect, of their supporters, what are we to suppose will be the opinion of the House of Lords on the decisions we send up?

If anything were wanted to rather confirm the House of Lords in any decision they may arrive at in holding their own and in exercising their own judgment, it would be such language as that which has been held by the right hon. Gentleman, who has shaken and diminished the authority of the vote and proceedings of this House. He told us that Members on that side were, to a very considerable extent, not independent Members of this House; but that this is their way of expressing their confidence in the Government. The right hon. and learned Gentleman opposite shakes his head, which means, I suppose, that he denies the fact. [The ATTORNEY GENERAL for IRELAND (Mr. LAW): The statement.] At all events, let me remind the House of the remarkable observation in the beginning of the right hon. Member for Ripon's speech, that if a majority of this House were to agree with the House of Lords the Bill would be lost. That was the most extraordinary language I have ever heard. I quite understand that if the House of Lords disagree with the House of Commons the Bill will be lost; but if the House of Lords lays down certain opinions, and the House of Commons agrees to them, it is absurd to say that the Bill must be lost. I presume the right hon. Gentleman is more or less in the confidence of the Government, and can form a fair judgment of the state of mind of the Government; and if there is any meaning in the statement it comes to this—that he is of opinion that if a change were adopted in the Bill against the wish of the Government, the Prime Minister and his Colleagues would throw the Bill up. That would be a most extraordinary proceeding, more extraordinary even than many of the circumstances that we have already seen. That the Government should throw up the measure because a clause which is not in the original Bill is not adopted is certainly odd; and I can only imagine that the right hon. Gentleman does not mean all that his words convey. I do not believe there can be any doubt in the minds of the great majority of the House that it is our duty to exercise an independent judgment on the proposals submitted to us, while giving all proper respect, of course, to those who have prepared the Bill. I think it is most unwise—most indecent, I may say—that

we should, at this stage of the proceedings, begin offering threats to the House of Lords. I do not wish to speak of the disrespectful language used by the hon. Member for Wexford (Mr. Healy), for which you, Sir, called him to Order; but the hon. Member used other language, for which he was not called to Order, and I rejoiced to see the hon. Baronet the Member for the King's County (Sir Patrick O'Brien) rise in his place and denounce him with indignation. I should, however, have been glad to have heard something of the same sort from some Member of the Government in regard to language such as has been used by the hon. Member for Stafford (Mr. Macdonald). That hon. Member took occasion to say that if the House of Lords chose to make any alteration in this Bill against the will of the large majority and the Government, the country would know what they were about; and, in fact, held out threats which, I must say, it is not within the Constitutional right of any Member of this House to hold. I feel that I owe an apology to the House for occupying their time; but it was not we who began the waste of time. I have sat here and listened to the language which has been used, and I feel assured that the House understands the grounds on which I felt it necessary to go beyond the question.

MR. GLADSTONE: I will make one or two observations before I come to the main matter before us. The right hon. Gentleman complains that Members of the Government have not expressed their disapproval of the words spoken by the hon. Member for Wexford (Mr. Healy). Well, we have much upon our hands, and I, for my part, share the sentiments universal in the House—and I indicated my sentiments in a marked manner often taken notice of on other occasions—when I cheered the expressions of the hon. Gentleman (Sir Patrick O'Brien), who, much to his own honour, reprobated those extraordinary sentiments which, for his own sake, I hope the hon. Member for Wexford will express his regret at having made. I am obliged to say, having disposed of that, it was the only sentence in the lengthened speech of the right hon. Gentleman for which I feel the slightest sympathy. The right hon. Gentleman, at the time he states he is extremely anxious to expedite proceed-

ings on this Bill, comes and addresses us for nearly half-an-hour. [*Cries of "Quarter of an hour!"*] Take it any way you like, I speak, perhaps, more according to the impressions produced. But the right hon. Gentleman at this period, when time is so precious, and when he is so very anxious to expedite our proceedings, rose and made this certainly rather lengthened speech for the period of the discussion, without saying one single word on the Amendment before the House. Of course, he is entitled to take every opportunity he may think fit of exposing the misconduct or weakness of the Government, or of dealing with their actions in any way that may prove useful to himself as a Party Leader; but do not let us hear from him or those whom he leads after this of their great anxiety to expedite the proceedings of this Bill. What is the speech of the right hon. Gentleman? He complains of threats to the House of Lords. He says that threats were begun from this side of the House by the hon. Member for Stafford (Mr. Macdonald); but he entirely forgets that the speech of the hon. Member for Stafford—which I did not in any manner encourage—was expressly and avowedly in answer to the threat of the hon. and gallant Member for West Sussex (Sir Walter B. Barttelot), who had preceded him in the debate; and after that the right hon. Gentleman rose, not to speak on the Amendment before us, not to enlighten us in the slightest degree by any contribution towards a just settlement of a most difficult subject; but he is so misled by the keenness of his Party zeal that he forgets the facts of this evening's discussion, and states that the threatening of the House of Lords was begun on this side of the House, when it was simply a reply to the boast of the hon. and gallant Gentleman for the expression of his fervid desire that the House of Lords would continue to persist in opposition to the wishes of this House. The right hon. Gentleman has attacked my right hon. Friend behind me (Mr. Goschen)—a rather singular proceeding. The speech of my right hon. Friend might well have justified remark; but I think that remark ought to have been offered when the speech was delivered.

SIR STAFFORD NORTHCOTE: I had spoken, and was not entitled to speak again.

Sir Stafford Northcote

Mr. GLADSTONE: I do not know in what manner it was justified as an introduction in a debate which has nothing to do with the matter. But he says that he founds upon this speech the belief that the proposals of the Government are reluctantly adopted by a great number of our Friends. I do not think we have had evidence of that. Is the reluctant adoption of certain opinions confined to this side of the House? When the division was taken on the second reading of this Bill it was supposed that the resolution to divide was reluctantly adopted by you who sit on that (the Opposition) side of the House; but what is worst of all is that the supposition was that it was very reluctantly adopted by the right hon. Gentleman himself. But the courage of the Party opposite was such that they divided valiantly against the second reading in the House where they knew their division could not have the smallest effect; and in the House where they knew that if they divided against the second reading the Bill would have been thrown out, there their courage failed them. The chivalry of the minority of this House was not reflected in the action of the majority of the other. What has the right hon. Gentleman shown in that lengthened disquisition? I fully admit that he has demonstrated two things. One of them was that it is conceivable that upon some point or other the House of Lords may make a suggestion of some importance in the Bill, for he said that if it had not been for the act of the House of Lords we should not have heard of this Amendment. Quite true; but some wrong act of the House of Lords might suggest some right act to the House of Commons. The right hon. Gentleman went further, and said it is a very hard case that the Government did not make this proposal long ago, and were even now changing their proposal. In fact, the right hon. Gentleman succeeded in showing that the Government are not omniscient; that the Government do not at a moment's notice acquire a full and thorough knowledge of every point that they discuss in this Bill; that new points will open up from time to time; and that no amount of care can make you independent of the immense advantages of honest and thorough discussion in this House. That is the case. We do accept suggestions, and, more-

over, we are not ashamed of it. We intend to do our best to make this Bill a perfect Bill; but it may be that we shall not make it a perfect Bill with all our efforts, and with all the aid we have derived from the discussion to-night, but not from the speech of the right hon. Gentleman; it may be that there will still remain some error, some imperfection in the provisions on which we are now engaged. There was a sentence in the speech of the right hon. Gentleman with which I could not help concurring, when he said that this question was one of the most difficult ever brought before Parliament. It is one of the most difficult. We are endeavouring to arrange by legislation a multitude of transactions which would have been infinitely better provided for, if our happy destiny had permitted it, by the free action of the respective interests of the different members of the community. But I have always pointed out that the one fundamental condition and recommendation which lies at the root of all that is most difficult and exceptional in our Bill is the recommendation of the Duke of Richmond's Commission, that Parliament should interfere to check the free action of supply and demand. I now come—and I must apologize to the right hon. Gentleman for doing anything so extraordinary as saying a word bearing on the Question before the House—to the Amendment. We might have been contented with rejecting, as we thought, a very injurious Amendment of the House of Lords; but that Amendment produces upon our minds a sense of our duty in rejecting that Amendment to examine as carefully as we can the state of the enactment that the House of Commons made. We did think that in certain points of secondary importance and extent, it did not entirely come up to the demands of justice. We therefore proposed one Amendment which passed without comment, and another to resumption at the end of the lease. We are very glad to do what we can to improve our own Amendment, and we are not ashamed to do so. We should have been much better pleased with ourselves if we had presented an Amendment verbally perfect; but being imperfect, we are better pleased to make it perfect, and to stand the small fire and small shot of hon. Gentlemen opposite—it certainly requires no iron-clad to re-

sist them—than to ask the House to pass anything which is less perfect than we can make it. Under these circumstances, it appears to us that this Amendment, as amended by the proposal of my right hon. and learned Friend, will satisfy a demand not very wide, not very large, that has been justly recognized by my two hon. Friends below the Gangway who represent Irish constituencies, and which has in it the element of equity. I trust the words proposed will have that effect, and will be accepted.

MR. CHAPLIN: The right hon. Gentleman has just informed us that whatever may happen this will not be a perfect measure. That was a totally unnecessary piece of information. So far as I am concerned, I am more and more convinced that the measure is the most pernicious and iniquitous ever submitted to Parliament, and its effect will be, sooner or later, to extinguish both the Irish landlords and their property, and ultimately to lead to the separation of Ireland from England. If by any means I can devise a mortal blow at a measure of this nature, I shall adopt them with gladness, and without a moment's hesitation. I rise, however, to repudiate the statement made by the right hon. Gentleman, for I know not how many times—[MR. GLADSTONE: Hear, hear!]
—and that is that the foundation of this Bill rests on the Duke of Richmond's Commission. [MR. GLADSTONE: Part.] For the twentieth time I repudiate his conclusion as absolutely without the smallest foundation; and I cannot conceal my astonishment that the right hon. Gentleman should appear in the character of a disreputable parent who goes up to a stranger in the street and says, "Please hold my baby for a moment," and then disappears round the corner. I am positively shocked at seeing the right hon. Gentleman assume this character. The wretched bantling belongs to the right hon. Gentleman, and he must bring it up in the best way he can; and if he attempts to foist it upon us, it will not be the Irish Members, but the hon. Member for Mid Lincolnshire, who will be obliged to go into Court for damages. The right hon. Gentleman the Leader of the Opposition showed a wise discretion in not dealing with this Amendment. The Government are always introducing Amendments and withdrawing them imme-

diately afterwards, so that it is difficult to know what they intend.

MR. GOSCHEN: I shall not detain the House for more than a few moments in replying to the attack made upon me by the right hon. Gentleman who has now left the House without an answer. I should be sorry to take up the time of the House with a personal explanation. I tried to express myself in the very fewest words, and I seem to have been misinterpreted by the Leader of the Opposition. What I said was this—and what I wish to make clear is this—that any votes given at the present stage of the Bill in favour of the Lords' Amendments are a distinct appeal to the Lords to stand by those Amendments, unless the proceeding is a sham proceeding—unless it is a sham fight upon which the Opposition are at this moment engaged; and there are not wanting symptoms that this is a sham fight. We see that they are fighting with their forces on a peace footing. We do not see that they have summoned all the forces which generally claim or disclaim the Leadership of the right hon. Gentleman. There appears to me to be a great deal of sham in the opposition which is being offered by hon. Gentlemen opposite, and in the support given to the Lords' Amendments. Either they mean business or not. [AN HON. MEMBER: Business.] They mean business. ["Hear, hear!"] They wish that the Lords should stand by their Amendments. [Cheers.] Then that shows the prudence of the remarks which I made, because I believe that, holding the same views that are held by the great majority of both sides of the House, it would be a great calamity if the Bill should be lost; and if the Lords stand by their Amendments, and the majority of the House of Commons stand by their Amendments, the Bill will be lost. That is my point; and therefore I wish, so far as my humble vote is concerned, to give no encouragement to the House of Lords to stand by their Amendments, which would be fatal to the Bill. I conceive that is a perfectly consistent, practical, and conscientious course to take. It is, I consider, more conscientious to refrain from making a call on the Lords than to make a call while in our hearts we hold the Lords will not stand by their Amendments. I believe many Members would regret deeply to see the calamity which

Mr. Gladstone

would ensue—perhaps a division of the two Houses upon this subject. I regret that I have had to detain the House on this point. It would have been out of place for me to make a long speech on this or that Amendment. I expressed my conscientious view. I may have laid myself open to misrepresentation. That I can bear; but I was bound to clear up the misapprehension which the right hon. Gentleman entertained upon my speech.

MR. GIBSON: No one would have the slightest desire on either side of the House to make the suggestion that the right hon. Member for Ripon would either express or entertain a single unconscientious view. That was not suggested, and I should not have risen at all if he had satisfied himself with placing before the House a full explanation of his own position and of the words which he may have thought were ambiguous. But he has in the vindication of himself thought right to impute to the Opposition that they were not guided in their opposition by a sincere and earnest desire to discharge their Constitutional functions, but that they were going through what he ventured to call, hardly with propriety, a sham. On consideration, I think the right hon. Gentleman will see that that expression was hardly necessary in a speech made for his own vindication, and that it was applied entirely in an unwarrantable manner to those who, under great difficulties and disadvantages, and supported by a minority not easy to collect at this period of the Session, are discharging difficult but distinct Constitutional functions. My own deliberate view is that we should be all engaged in this part of our functions under a deep sense of high Constitutional responsibility—I know I am myself—and I, for one, have taken no part in the discussion of this measure unless so far as I was animated by a sincere and an earnest desire to discharge my Constitutional functions. I have given no vote in the House, and I am sure no hon. Member who has acted with me has given a vote, which I and they do not desire to see substantiated, and which does not represent our own sincere convictions in the matter. I believe that a true Constitutional view with regard to the consideration of the Lords' Amendments is this—that we should de-

sire to consider them impartially and independently, and adopt those that commend themselves to our understanding and judgment, with a desire not to do violence to the Amendments submitted to us, and anxious also that from no part of the House—by suggestion, statement, or threat—should any words be used which might tend to misunderstandings that I am sure everyone wishes to avoid.

LORD ELCHO said, he regretted he had not had an opportunity of addressing the House on the second reading of the Bill. He had no wish to enter into the discussion to which the Amendment had given rise with regard to the conduct of the House of Peers, or still less the personal question raised by the right hon. Gentleman the Member for Ripon. The great difficulty of those who were opposed to the Bill was to bring home to the minds of people in England, and probably in Ireland too, what the real character of this measure was. The Amendment of the Government now did this in the most clear and distinct way. Before the Land Act of 1870 was passed an Irish proprietor was as free to deal with his land in Ireland as was the owner of Chatsworth or the owner of any estate, great or small, in England or Scotland, or the owner of house property, large or small, be it the Duke of Westminster or anyone else in London. After the Act of 1870 the Irish proprietor could not deal with his property as he had done previously, without paying, within certain limits, seven years' value of the holding to his tenant. That was the germ of the present legislation. The owners of land and houses in England and Scotland should know that this Bill was nothing more nor less than a Land Transfer Bill, without payment or compensation; and he defied the Attorney General for Ireland to dispute that fact. What was the present Amendment of the Government in plain English? Was its object to enable the owner of land in Ireland to get back his property without payment from the trammels of their Bill? Nothing of the kind. The property, which before the Act of 1870 was his and was as free as Chatsworth, the landowner was now to be allowed to buy back again from a man who had never bought it or paid for it. He asked his right hon. Friend the heir of Chatsworth (the Mar-

quees of Hartington) whether that was not a truthful interpretation of that proposal? He was sick of hearing the Government talk of justice.

MR. SPEAKER requested the noble Lord to address himself to the Amendment before the House.

LORD ELOHO said, he was not surprised that, when he spoke of justice, the Speaker should think that he was not speaking to that Amendment. The Treasury Bench said the Amendment was brought forward in the interests of justice. Well, the Amendment was simply to enable a man to buy back land which, by the law of Ireland previously to the legislation of his right hon. Friend, was absolutely his own. He did not go into the question whether the Amendment upon the Amendment was a proper one. His only object was to try and point the moral—[An hon. MEMBER: And adorn a tale.]—and bring home to the people of this country what the Bill really was.

MR. DAWSON observed, that although the right hon. Member for Ripon (Mr. Goschen) expressed dissatisfaction from the Lords' Amendment, yet he had voted with his Party. That, he feared, was due to the Oriental imagination of the right hon. Gentleman. The Irish Members, he (Mr. Dawson) contended, were not warranting in giving the Amendment, even as it had been amended, their support. What, he asked, was a home farm, and of how many acres did it consist? He knew of a home farm of 2,000 acres, and if the owner could add 200 acres to it on the falling in of a lease, he would do so. Irish landlords, he believed, would be inclined, not for the sake of the land itself only, but for the dominion which the possession of the land gave them, to add field to field and farm to farm. He might aptly say, altering a quotation—

"Field after field his rising raptures fill,
And still he sighs, for fields are wanted still."

What right had the Government to deprive one set of residents of the land in order to promote residences for another class of persons who would be related to the landlords? It was not because a man was rich that he should be entitled to turn away tenants already on the land in order to build residences for his sisters, his cousins, and his aunts. No money compensation would satisfy men who

had been deprived of their holdings in that way. As long as the tenant in occupation paid a fair rent, it ought not to be in the power of any landlord to turn him away.

MR. W. E. FORSTER said, the remarks of the hon. Member were, no doubt, exciting and poetic; but it was only prosaic work to try to get on with the business. He would now appeal to the House whether it had not dealt with this matter fully? The Government proposed what appeared to them a practical, proper, and just arrangement between both parties, and they could not expect to give complete satisfaction on either side. The only question that remained was whether the House might not now proceed to a division.

MR. R. N. FOWLER rose in consequence of the remark made by the right hon. Member for Ripon (Mr. Goschen), that the Opposition were fighting a "sham" fight. Although the normal majority which the Government possessed was 155, in no division which had been taken during these Amendments had their majority been equal to that number. He wished to remind the House that many hon. Gentlemen had paired, and pairs told more against the minority than the majority. Under these circumstances, he put it to his right hon. Friend opposite whether he was justified in his observation that that was a sham fight? For himself, he believed this to be a Bill of Confiscation, and his last vote, like his first, would be given against it.

MR. T. P. O'CONNOR maintained that if there were any delay in the progress of the Bill it was entirely the fault of the Government, who had brought forward an Amendment which nobody cared for and which was wholly unnecessary. Owing to the rather malleable character of the Government, he had some hope that they would still further amend their Amendments. He would ask the Attorney General for Ireland what was meant by a home farm? He (Mr. T. P. O'Connor) had consulted several authorities on the subject, and was told that in Scotland it meant a farm of 1,000 acres. Supposing it only meant 100 acres, that would place it in the power of the landlord to turn away 10 families occupying farms of 10 acres a-piece. If the estate amounted to 200 acres, the landlord would be empowered

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to turn out 20 families holding 10 acres each. It was most unfair, too, that while the tenant should be forbidden to build a second house for his use, the landlord should be able to provide additional accommodation not only for himself, but for, it might be, 10 of his sons and five of his daughters. He would remind the Government that if they wished for a long lease of power, the best thing they could do would be to bring in a Bill next Session to abolish the House of Lords, instead of getting themselves into a quagmire by altering the Rules of the House of Commons.

Mrs HENRY TYLER wished to protest against the expression of the right hon. Member for Ripon (Mr. Goschen), that they were engaged in a sham contest. Their feelings in this matter were anything but a sham; they had a most profound dislike to and distrust of the Bill. But there were a good many shams in connection with it. They were now told that contract in Ireland was a sham; but if this Bill passed into law the greatest sham of all would be the Irish landlord, who would be a sham landlord with a sham property. He could only account for the right hon. Gentleman's views and expressions by remembering that he had only recently come from Constantinople, and had there imbibed ideas which were not in accordance with the sympathies of this House.

Mr. LALOR said, he felt it to be his duty to be present to support the Government in their disagreement to the Lords' Amendments; but it had never occurred to him that the Government themselves would introduce so injurious an Amendment as this into the Bill. He had no doubt it had been honestly intended as a message of peace to Ireland; but this Amendment, if carried, would place the leaseholders of Ireland, who had done nothing to deserve such treatment, in the most unfortunate position. The Government, by this Amendment, would drive this class—the most intelligent and patient in Ireland—into the camp of the Land League, and make them perpetuators of agitation.

Mr. BORLASE: I will promise to stand but one moment between this House and the division. I cannot say of myself, as the hon. Member for Mid Lincolnshire said of himself, that he had stated the same thing over and over again 20 times in the House during these

debates, for this is the first time I have intruded my voice on the House since the beginning of the long discussions on this most important measure. I have to say this, however—that, strenuously and strictly as I have supported Her Majesty's Government from the beginning of this question up to this period, I come now across a state of things in which I am bound to hesitate. I find we are going to take the same sort of steps as were taken with the Bill of 1870. I find we are going in for compromise in order to get this matter through. Her Majesty's Government, with such a majority as no Prime Minister has had for very many years, are condescending to a compromise. The compromise we are asked to accept is, I think, dangerous to the principle of the Bill. It is doing what in the last division we professed our intention to avoid—the separation of Ireland into two parts, and the division of Ulster from the rest of Ireland. I have promised to stand only one moment on the floor of the House, and I will close by saying this. I cannot vote with Her Majesty's Government, and I will not vote against them; but, meanwhile, I believe that this compromise, like compromises in general, will leave behind it an amount of unsatisfied principle from which, some day or other, mischief is certain to accrue.

Mr. JUSTIN M'CARTHY said, he hoped the Government would withdraw from the position which they had taken up. There was nothing to prevent a landlord from turning his whole estate into a "home farm." One case of a landlord doing so would spread alarm through a whole country side. One case was given by a noble Lord to support the Lords' view of the question, which required a combination of circumstances which he had himself never ventured on in framing a work of fiction. A family got ill, and let their mansion house, and 20 years afterwards, towards the end of the term for which they had let it, they all got well again and wanted to resume. He hoped the Government would stand by their Bill as it was.

Mr. O'KELLY said, he thought the Government ought to give them fuller information as to what was meant by a "home farm." What was to prevent a landlord resuming possession of farm after farm until he had the whole of his estate in his own hands? Until the

Government gave them some assurance as to the operation of the Amendment, he thought the Irish Party would be justified in resisting it most strenuously, and, if necessary, moving the adjournment of the House, in order to give the Government time to reflect.

MR. REDMOND wished the Solicitor General for Ireland would give a definition of "home farm." He (Mr. Redmond) knew of an instance in the county of Wexford where the landlord had resumed possession of holding after holding until the whole estate was in his hands. If, under the Amendment, such process as that were possible, the Amendment was most undesirable, and Irish Representatives were bound to resist it to the utmost of their power.

MR. A. M. SULLIVAN said, he was not at any loss to know what a home farm meant, and he did not think the Court would be at any loss to understand the phrase; but, unfortunately, its meaning was not comprehended in more than half-a-dozen places in Ireland. For his own part, he was against resumption under any circumstances, and regretted the course taken by the Government; but, in meeting the objection taken by the hon. Member for Galway, the Government had gone a long way to mitigate the effect of the Amendment. He only wished that the Government had never thought of the Amendment, and that they would take it back. It was a well-known fact that some Irish landlords loved dominion more than money—that they would be satisfied to be out of pocket in order to clear off the population and have the lands in their own hands. Irish Members had been charged with not dissociating themselves with words which had fallen from his hon. Friend (Mr. Healy). He felt that in times past Irish Members had been too fond of "dissociating" themselves from one another, and, perhaps, were still so; but, challenged as they had been, he could not in candour refrain from saying, in the presence of his hon. Friends, that he heard with grief and, indeed, with intense pain, his hon. Friend use that quotation as to the shooting of landlords and bailiffs. He had the pleasure of knowing personally Mr. John Mitchell, and he knew, as many others knew who were acquainted with him, that he had a North of Ireland Presbyterian bitterness of expression; but,

Mr. O'Kelly

while he should say nothing that would cast a reflection upon the name of John Mitchell, he should, in justice to his own principles and character, say that if any Irishman in his hearing in Ireland now uttered such exhortations to shoot landlords, and if they could not shoot landlords, to shoot their agents or bailiffs, he should heartily regret that he voted in the House for the abolition of capital punishment.

MR. O'DONNELL said, that the Government had over and over again been appealed to to limit the power which their Amendment would give to Irish landlords to resume possession of the holdings of tens of thousands of leaseholders. They had, however, remained dumb. The Premier had stated long ago that he would gladly listen to suggestions coming from any part of the House; but on this occasion the right hon. Gentleman was deaf, not only to the suggestion, but also to the entreaties of the Irish Members. In order to give the Government an opportunity of expressing their final decision, he begged to move the adjournment of the debate.

MR. BIGGAR said, he would cordially second the proposition. The Government were bound to give a definition of the term.

Motion made, and Question proposed, "That the Debate be now adjourned."
—(Mr. O'Donnell.)

MR. GLADSTONE: I should have thought that this Motion on the eighth month of the Session, and on the 11th of August, would have been about the last resort of any hon. Member. The Government will not, either directly or indirectly, be a tool for furthering such purposes. We have, on the part of the Government, fully explained everything that we have to say upon this matter, and the pretended opportunity offered us of explanation is an opportunity which shall not be used by us. We have no more to say on the matter, and I hope the House will at once pass judgment upon the Motion.

LORD RANDOLPH CHURCHILL said, that Her Majesty's Government had nobody to thank but themselves for the present difficulty. This was the third Amendment since this Bill came from the House of Lords which the Government had practically abandoned in

the face of a certain amount of opposition. ["Oh!"] He knew his reminiscences were most disagreeable to hon. Members opposite; he was sure the Government would appreciate their impatience and the method of interruption adopted by the Radical Party and the friends of liberty. In the protracted discussion on the Emigration Question, the Irish Party adopted an attitude of firm opposition; more than once they resorted to the manœuvre now resorted to by the hon. Member for Dungarvan (Mr. O'Donnell), and the result was they were eminently successful in their efforts, for they reduced the Emigration Clauses to a perfect farce. To-night the Attorney General for Ireland had come down with an Amendment which had evidently been carefully prepared out of the House on consultation with his Party; there was every reason to believe it was the result of mature deliberation; and yet the Government, on the opposition of the Irish Party—he attributed the result to the firm attitude of the hon. Member for Wexford (Mr. Healy)—mutilated and reduced their Amendment so as to make it a piece of imposture. The Irish Party were naturally of opinion that if they persisted in their opposition the remaining traces of this imposture would disappear. He could not be surprised at that, considering also the manner in which the Prime Minister had thought proper to reply to the Leader of the Opposition. No doubt, the answer was exceedingly amusing to the House at a moment when they were carried away by the eloquence of the Prime Minister; but throughout his 15 years' experience in the House he had never heard anything, not even in the speeches which had fallen from the hon. Member for Wexford, or from any of those Irish Members who were celebrated for the character and violence of their invective, to equal the insulting language—the language of studied insult—which the Prime Minister had thought it consistent with his dignity to address to the right hon. Gentleman. Because the right hon. Baronet had addressed a dignified remonstrance to the Government on their wavering conduct, the Prime Minister had drawn upon the whole vocabulary of abuse which belonged to him. If the right hon. Gentleman met the Amendments of the House of Lords in the

spirit in which he answered the Leader of the Opposition, it was clear that all debate in opposition to the Government had become worse than useless. Although the Motion of the hon. Member for Dungarvan was inopportune at this period of the Session, and could lead to no useful result, he was bound to say that the way in which the Government had dealt with the Amendments of the House of Lords showed that it might not be inadvisable that the Government should have time to retreat from the position they had taken up.

MR. PARNELL said, that in asking his hon. Friend the Member for Dungarvan (Mr. O'Donnell) to withdraw his Motion, he desired to indicate the course which he and his Friends intended to follow. With reference to the Amendments proposed by the Government on their own Amendment, as these were distinctly of a limiting description he should vote for them. At the same time, he and those with whom he acted would think it necessary to divide the House afterwards on the Amendment itself.

MR. HEALY said, he had expected the Government would have given some explanation of the term "home farm," which they never heard of until they came to the Definition Clause. No wonder they were suspicious, because it was introduced at the request of the hon. Member for Stroud (Mr. H. R. Brand). What they were afraid of was grazing or grass; it was not too much to ask that the "home farm" should not consist entirely of grazing land. He would be prepared to withdraw the 100 acres' limit, if the Government would give an assurance that there should be so many acres of tillage. He would not complain if the landlord wanted the land for his own purposes. And now he wished to say a word on another subject. The hon. Member for the King's County (Sir Patrick O'Brien) thought fit to make some comment upon a remark of his. He remembered very well reading in the newspapers two years ago how the hon. Member for the King's County called the hon. Member for Carlow, then Member for Tipperary (Mr. Gray), something which he could not repeat because it would be un-Parliamentary; he would only say that it began with a "d" and ended with "fool." ["Question!"] The hon.

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Alderman (Mr. Alderman Lawrence) cried "Question!" Well, he believed Dr. Johnson once said he could supply a man with argument, but could not supply him with brains. The hon. Member for the King's County said that the words he had applied to the hon. Member for Carlow were only a quotation. [Sir PATRICK O'BRIEN: Hear, hear!] The hon. and learned Member for Meath (Mr. A. M. Sullivan), in the exercise of his discretion, had thought fit to get up and denounce him. The hon. and learned Member referred to the quotation which he affected to make from Mitchell so as to throw doubt upon his *bond fides*. The hon. and learned Member was perfectly at liberty to do so; but it did not become Irish Members to come down to that House — ["Question!"]. He could understand an hon. Member crying "Question!" when he knew how he should finish the sentence; but if he did not know, it was somewhat unusual even for an Alderman to cry "Question!"

MR. ALDERMAN LAWRENCE rose, amid cries of "Order!" and said that he had not uttered a word.

MR. HEALY said, that for English opinion or for the opinion of the House of Commons it was the right and the duty of an Irish Member not to care one pin. He came there in the exercise of his functions as an Irish Representative to express his opinions, and as long as he had the approval of his constituency, and he had the right of the House, he should continue to utter them. He believed that everything he had said or done had received the full approval of his constituents, and therefore it was not for the hon. and learned Member for Meath to get up and pose as a disclaimer. They knew that the hon. and learned Member for Meath was not a man of blood. For his own part, like the fop described by Hotspur, he might regret that villainous saltpetre, which had laid many a tall fellow low, had ever been dug out of the bowels of the innocent earth; but he had never been an advocate of the "single drop of blood" theory.

MR. A. M. SULLIVAN, said, his hon. Friend said that an Irish Member in that House should think only of the opinion of his constituency, and not care a pin for the opinion of hon. Members of that House or for English opinion. But

he (Mr. Sullivan), who held the doctrine that a Member of the Irish Party was not an individual fighting for his own hand, that the Irish Party were bound to act together for good or ill, and that they might by their language hurt one another or their country, must recollect that language like that of his hon. Friend might reflect upon and stain his Party more than an individual. He would tell his hon. Friend (Mr. Healy) that he belonged to an organization called the Land League, which cared a great deal for the opinion of the people of England, for it was now appealing to that opinion, and he (Mr. A. M. Sullivan) hoped not in vain. He would tell his hon. Friend, too, that he was bound to care for the opinion of that House, the opinion of England, and the opinion of the world, fighting, as he believed he was, for a just cause. He never reflected upon or denounced his hon. Friend or his Colleagues for what they said upon their own responsibility; but he must be allowed to say that while he belonged to a Party which might be affected by the utterances of any one of them, he would not sit silent, even if it cost him his seat, with all the honours that could be conferred upon him, nor would he be held accountable for doctrines which might be interpreted as an encouragement to shoot landlords. His hon. Friend did not mean what he had said—he could not have meant it. He had said that he was not an advocate of one drop of blood; but he had not told the House that what he meant by that was that he would like to shed his own blood in fighting for his country's rights, but that he was not in favour of cowardly assassination.

MR. T. P. O'CONNOR asked whether he understood the Government to assent to the modification suggested by the hon. Member for Wexford? He understood the Prime Minister to assent to it.

MR. GLADSTONE said, he could not consider anything a "home farm" which would be a mere aggregation of land used for grazing purposes.

Question put, and *negatives*.

Original Question, "That those words be there inserted in the said proposed Amendment," put, and *agreed to*.

Amendment proposed to the said proposed Amendment, by adding at the end thereof the words—

Mr. Healy

"Provided always, That if the holding so resumed shall be at any time within fifteen years after such resumption relet to a tenant, the same shall be subject, from and after the time of its being so relet, to all the provisions of this Act which are applicable to present tenancies."—*(Mr. Attorney General for Ireland.)*

Main Question, "That those words be there added," put, and *agreed to*.

Mr. HEALY asked whether the Prime Minister would allow an addition to the Amendment in order to define a home farm as consisting partly of tillage and partly of pasturage?

Mr. GLADSTONE said, he did not think it necessary to insert an explanation of a phrase that he had no doubt of the meaning of.

Mr. MITCHELL HENRY suggested that in the House of Lords the Government might insert the words "for mixed agriculture."

Amendment, as amended, put.

Question put,

"That the words 'where it shall appear to the satisfaction of the Court that the landlord desires to resume the holding for the bonâ fide purpose of occupying the same as a residence for himself or as a home farm in connection with his residence, or for the purpose of providing a residence for some member of his family, the Court may authorise him to resume the same accordingly, in the manner and on the terms provided by the fifth section of this Act with respect to resumption of a holding by a landlord: Provided always, That if the holding so resumed shall be at any time within fifteen years after such resumption relet to a tenant, the same shall be subject, from and after the time of its being so relet, to all the provisions of this Act which are applicable to present tenancies,' be there inserted."—*(Mr. Gladstone.)*

The House *divided*:—Ayes 285; Noes 56: Majority 229.—(Div. List, No. 377.)

Amendment in page 16, line 24, to leave out lines 24 to 36, the next Amendment, read a second time.

Mr. GLADSTONE moved that the House disagree with the Amendment. The question to which it related had been very largely considered in that House, and it was a simple one. He would not repeat the argument, but would only indicate what the question was. The general law was sufficient to deal with cases of fraud in regard to leases. A case came before them, however, which was not a case of fraud, but a peculiar case arising under the Act of 1870. By that Act they gave inducements to tenants

and landlords to enter into leases, on the supposition entertained by the Legislature that these powers would be used in the spirit in which they were given. It had, however, been proved that in certain cases they were not so used; and, consequently, the Government proposed to extend that principle of the law which quashed a lease in case of fraud to cases where leases had been made according to the terms of that portion of the clause which the Lords had struck out. The first of those conditions was where a lease had been procured by the threat of the landlord, or undue influence; and the second condition was that the terms of the lease so procured were, at the time of such acceptance, unreasonable or unfair to the tenant. These were the points which the Government proposed to support, so as to give the Court in such cases the power of quashing the lease.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendment."—*(Mr. Gladstone.)*

SIR STAFFORD NORTHCOTE said, he hoped it would not be necessary to renew the discussion upon this matter; but, at the same time, it would be necessary for him and his hon. Friends to protest against the re-introduction of the words which the Lords had struck out, and to which they objected when originally inserted. Nobody could desire to support any case of unjust or unreasonably pressure by a landlord; but if it were proposed to deal with such a case by the ordinary principles of equity the difficulty would not arise. They must adhere to their views as expressed in Committee, and oppose the Motion.

Question put.

The House *divided*:—Ayes 247; Noes 118: Majority 134.—(Div. List, No. 378.)

On the Motion of Mr. ATTORNEY GENERAL for IRELAND, the following Lords' Amendment was agreed to. After Clause 22, insert Clause (C):—

(Power to limited owner to sell holding and leave one-fourth of price of holding on mortgage.)

"A landlord of a holding, being a limited owner as defined by the twenty-sixth section of the Landlord and Tenant (Ireland) Act, 1870, may by agreement, subject to the provisions of

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the Lands Clauses Consolidation Acts (except so much of the same as relates to the purchase of lands otherwise than by agreement), sell and convey such holding to the tenant, and may exercise to the same extent as if he were an absolute owner the power of permitting any sum not exceeding one fourth in amount of the price which the tenant may pay as purchase money, to remain as a charge upon such holding secured by a mortgage, and in case of any advance being made by the Land Commission under the provisions of this Act to the tenant for the purchase of such holding, any such mortgage shall be subject to any charge in favour of the Land Commission for securing such advance; and any such mortgage and the principal moneys secured thereby shall be deemed to be part of the purchase money or compensation payable in respect of the purchase of such holding, and shall be dealt with accordingly in manner provided by the Lands Clauses Consolidation Acts; and in the construction of the said Acts for the purposes of this section the expression 'the Special Act' shall be construed to mean this Act, and the expression 'the promoters of the undertaking' shall be construed to mean the tenant."

Page 19, line 12, leave out from ("who") to ("pay") in line 14, the next Amendment, read a second time.

MR. GLADSTONE said, he would propose certain words which would substitute for the removal of the condition of three-fourths a relaxation of that condition. He would read the words shortly. He could not propose this Amendment without stating that he regarded the Lords' Amendment, on a ground apart from the merits of the Amendment, with very great jealousy indeed as an act done by the House of Lords. He could not presume to blame them; but he must say he looked with great jealousy upon an act done by the House of Lords which derogated very considerably from the exclusive privilege of the House of Commons with regard to the expenditure of public money. Still, as he understood the authorities of the House were not prepared to say that the Amendment was beyond their powers, it was their duty to deal with it equitably upon the merits. As the House of Lords had struck out the limitation of three-fourths, the effect was to leave the amount of money to be expended entirely at the discretion of the Commissioners. The Government were not prepared to place the strings of the public purse in the hands of the Commission in that way. A point was raised which seemed to have some reason in it. It was said that there might be cases of villages or estates where it was hardly to be expected or

desired that many of the villagers should become purchasers of their holdings. This was a matter in which the discretion of the responsible Government might fairly be introduced. He therefore proposed to restore the three-fourths limitation, and to add the words—

"The condition as to three-fourths of the number of tenants may be relaxed on special grounds with the consent of the Lords Commissioners of the Treasury, but so that in no case less than half the number of tenants shall be able and willing to purchase."

Lords' Amendment *disagreed to* ; Amendment (Mr. Gladstone) *agreed to*.

Page 24, line 25, after ("any") insert ("state or colony or"), the next Amendment, *agreed to*.

Page 25, leave out subsections (1) and (2) of Clause 31,—the next Amendment, *disagreed to*.

The following Amendments were *agreed to* :—

Page 26, line 13, after ("Act") insert ("and subject to the provisions of this Act"); line 14, leave out ("Act") and insert ("Acts.")

Page 27, line 26, after ("1870") insert ("as if the purposes therein referred to included the purposes of this Act.")

Page 28, line 3, leave out ("twelfth day of February") and insert ("fourteenth day of August"); line 4, after ("any") insert ("permanent"); line 21, after ("special") insert ("retiring.")

Page 30, line 11, leave out from ("by") to the end of the clause, and insert—

("All three commissioners sitting together, except in the case of the illness or unavoidable absence of any one commissioner, when any such case may be heard by two commissioners sitting together; provided that neither of such two commissioners be the commissioner before whom the case was originally heard.")

Line 21, leave out ("number of.")

Transpose Clauses 44 and 45.

Page 31, line 1, after ("may") insert—

("In case it thinks fit, permit any party aggrieved by the decision of the Land Commission in any proceedings to appeal in respect of any matter arising in such proceedings to Her Majesty's Court of Appeal in Ireland, and may;")

—the next Amendment, read a second time.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved that the Amendment be disagreed to.

MR. GIBSON expressed his surprise at the Government proposing to disagree with so reasonable and just a provision, especially as he understood it was accepted by the Representatives of the Government in the other House.

Lords' Amendment *disagreed to*.

Page 31, line 7, after ("such") insert ("matter or"), the next Amendment, *disagreed to*.

The following Amendments were *agreed to* :—

Page 31, line 40, after ("final") insert—

("Provided always, that any order or decision made by three members of the Land Commission shall not be reviewed, rescinded, or varied, except by three members of the Land Commission.")

Page 32, line 7, after ("court") insert—

("All appeals to the Land Commission under this Act shall be heard by all three commissioners sitting together, except in the case of illness or unavoidable absence of any one commissioner, when any appeal may be heard by two commissioners sitting together, one of whom shall be the Judicial Commissioner.")

Page 32, line 12, leave out ("repealed") and insert ("repealed"), and add—

("All appeals under the said section pending at the time of the passing of this Act are hereby transferred to the Land Commission; and all further proceedings thereon shall be taken in the prescribed manner.")

Page 32, line 16, after ("purposes") insert ("or for the holding of courts of petty sessions"); line 18, after the second ("and") insert ("to"); line 21, after ("shall") insert ("from time to time"); lines 24 and 25, leave out ("to such circulation and.")

Page 33, line 10, after ("of") insert ("the Land Commission or of"); line 12, after ("on") insert ("mortgagees and"); line 26, after ("Parliament") insert—

("And if an Address is presented to Her Majesty by either House of Parliament within the next subsequent one hundred days on which the said House shall have sat praying that any such rule may be annulled, Her Majesty may thereupon by Order in Council annul the same, and the rule so annulled shall thenceforth become void and of no effect, but without pre-

judice to the validity of any proceedings which may in the meantime have been taken under the same.")

Page 34, Transpose Clause 53 to follow Clause 56.

Page 37, line 16, after ("tenant") insert—

("Where the tenant sublets part of his holding with the consent of his landlord, he shall, notwithstanding such subletting, be deemed, for the purposes of this Act, to be still in occupation of the holding")

—the next Amendment, read a second time.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved that the House do agree with the Lords' Amendment.

Lords' Amendment *agreed to*.

Page 37, line 31, leave out from ("Act") to ("and") in line 34, the next Amendment, *disagreed to*.

Page 38, line 4, leave out from ("which") to the end of the paragraph, and insert—

("The Land Commission may by order declare fit to be purchased as a separate estate for the purposes of this Act"),

—the next Amendment, *agreed to*.

Page 39, line 5, leave out from ("holding") to ("let") in line 6, the next Amendment, *agreed to*.

Page 38, line 9, after ("tenant") insert ("Provided that any such letting made after the passing of this Act shall be in writing"), the next Amendment, amended, by inserting after the word "be" the words "by contract;" and after the word "writing" the words "which shall express the purpose for which such letting is made."

At the end of Clause 56 add as a new sub section—

(9.) "Any 'glebe' as defined by the Act of thirty-eighth and thirty-ninth Victoria, chapter forty-two, which now is or hereafter shall be held or occupied by any 'ecclesiastical persons' as by the same Act defined, and no such ecclesiastical person shall in respect of such 'glebe' be entitled to make any claim for compensation under any of the provisions of 'The Landlord and Tenant (Ireland) Act, 1870,' or of this Act,"

—the next Amendment, *agreed to*.

Amendment in page 39, to leave out lines 22 to 30, the next Amendment, read a second time.

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THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved that the House disagree with the Amendment. He also proposed to amend the original provision of the Bill by extending it to all legal proceedings on the understanding that the Court should only act upon it in cases in which there would be a probability that the judicial rent would be fixed within a reasonable time—say, three months. He proposed to disagree with the Lords' Amendment, which struck out the clause altogether, and then he would move to amend the clause by the insertion of words which would provide that the Court, if satisfied that the judicial rent would be fixed in a reasonable time, not exceeding three calendar months, should make an order to stay execution until the termination of proceedings for fixing the judicial rent. He now, therefore, in the first place, moved that the House disagree with the Lords in their Amendment.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said proposed Amendment."—(*Mr. Attorney General for Ireland.*)

MR. GIBSON said, the history of the clause was rather peculiar. The clause itself was not included in the original proposals of the Government, nor was it hinted at even in the most enigmatical form by the Prime Minister on the second reading, nor was it suggested in the lengthened discussions which took place in Committee, or mentioned in any stage of the Report up to the last day. It was then that the hon. Member for the City of Cork (Mr. Parnell) got up and proposed it, and the hon. Member certainly appeared to have some confidence that it would be accepted—because, in a very marvellous way, and with remarkable rapidity, it was accepted by Her Majesty's Government. There was, however, this extraordinary incident. The Prime Minister stated that the right hon. and learned Gentleman the Attorney General for Ireland would later on, if the matter were postponed, make himself answerable for the Amendment that would be proposed. But when they came to the clause that was not done; but the hon. Member for the City of Cork proposed words that were agreeable to the Government. Thus, in reality, it was an Amendment arranged

between the hon. Member for the City of Cork and the Government. [Mr. GLADSTONE: In the House.] He did not think the Prime Minister would question the accuracy of what he was now stating. This occurred, not at an early stage of the Report, but at the very last stage. And what was now the character of the change proposed? It was a change which affected every creditor of every tenant in Ireland, introduced into an Act of Parliament which purported only to deal with landlords and tenants in relation to land and rent, and it was done without notice to any one of the parties who were affected by the transaction. This was a very serious change; and although the matter had been discussed in the other House, he could not say it was argued, and certainly it was not defended by the Government in that House. The Government ought, if they then intended to expand or alter their Amendment, to have given some intimation in the House of Lords of what they were going to do. But now, at the present stage, without notice, the Government sought to affect another class who had by bankruptcy taken proceedings against the property of the tenant. If the Government now intended to interfere with the action of a creditor who had by his activity obtained a right of proceeding in bankruptcy, why did they not give an earlier intimation of their intention? He wished to know what was the justification for the clause at all in its present shape, and why it had been introduced? Was it not a mere afterthought to endeavour to pacify the hon. Member for the City of Cork? To use a common but familiar expression, was it not an endeavour to "square" the Land League. They all knew that one of the most frequent utterances in reference to the Bill had been that if it passed no rent need be paid until a judicial rent was fixed, and this clause would be pointed out as the machinery by which that result would be accomplished. Was it reasonable that in an Act which purported only to regulate the acts of a landlord and tenant in reference to land to interfere with the action of a creditor? In the first instance it was proposed that the clause should apply to the landlord only, other creditors being left free. It was then extended to all creditors; and he ventured to think that the further

expansion it had received was one that would not stand the test of argument. The last proposal was to extend the clause to proceedings in bankruptcy, and what would be the result? If a tenant became bankrupt his interest in the farm passed to his assignees; but the clause in the shape in which it now appeared would seem to regard only the tenant's interest. His right hon. and learned Friend the Attorney General said the first Amendment was an Amendment in the substance of the clause and an amplification of it, but that the second Amendment was more or less of a formal or verbal character. In other words, in the process of giving "bit about," his right hon. and learned Friend proposed to give the substance to the hon. Member for the City of Cork, and then to add something else which should have the appearance of not going quite so far. His right hon. and learned Friend did not himself appear to think that the second Amendment amounted to very much. But if the Court did its duty it was, to a certain extent, a substantial change; and he should be glad to know if the Government would carry out their proposition as to putting in plain terms on the face of the Amendment that one of the conditions should be the payment of or security for the whole or such part of the debt as to the Court might seem just? It was only reasonable, when they arrested the action of a creditor who by his diligence had obtained judgment, and when they proposed to anticipate that diligence, that there should be a test of *bond fides*, so as to prevent any injustice being done, and that they should compel the debtor to give a guarantee of his *bond fides* and to pay the whole or such substantial part of the debt as to the Court might appear to be just. He believed that the proposal of the Government would do more to wreck the Bill for which they were responsible than anything else. The great rock ahead of the Bill, as everybody knew, was the danger of litigation. They were holding out a premium to litigation, which it would be nearly impossible for the tenants of Ireland to resist, because, whenever a tenant found himself in difficulties, and whenever a man had a judgment against him, his first step would be to tie up the hands of his creditor, by involving himself and his landlord in litigation. In other words, they did not allow the

clause to operate, except where there was litigation; and the conditions they were imposing were conditions which might wreck, or seriously interfere with, the entire operation of the Bill. He could not avoid the suspicion that the course of the Government in reference to the clause had been considerably influenced by the earlier proceedings of the evening. He remembered when the clause originally came on that it was scarcely adopted or defended by the Government. The Prime Minister had nothing to say to it. He gave the ægis of his presence and the distinction of his silence to the transaction; but he (Mr. Gibson) thought he was justified in saying that the right hon. Gentleman the Prime Minister left the difficult and ungrateful task of defending the proposal to the adroitness of the Chief Secretary for Ireland, because anything that could relieve the right hon. Gentleman of any of his difficulties in Ireland it would be more than human to expect the right hon. Gentleman to resist. Accordingly, if any course could be suggested to the right hon. Gentleman by which processes could be suspended during the remainder of the term of his Chief Secretaryship, he had very little doubt that the right hon. Gentleman—he would not say as a politician or as a statesman—would listen—he would be more than human if he did not—with a certain amount of sympathy to the proposal. That being the case, the Government had an active, an intelligent, and a silent majority to support them. [*Ministerial cheers.*] He admitted that occasionally the majority were not silent—that they applauded with great animation anything which indicated their extreme confidence in their Leaders. Now, a Liberal, speaking of a similar Conservative majority, would call it mechanical. But he never used hard names. He preferred to say that in the closing days of the Session the minority laboured under a difficulty to bring up their men, the only effect of their presence being to enable them to register a protest; while Her Majesty's Ministers were always able to overwhelm the Opposition by bringing up a compact body of enthusiastic supporters, ready at all times to show their allegiance to the Ministers of the day, and who, though not a mechanical, were certainly a devoted, majority.

[Third Night.]

MR. W. E. FORSTER (who was indistinctly heard): I must say a word on one or two of the remarks which have fallen from the right hon. and learned Member for the University of Dublin (Mr. Gibson). He has thought fit to make charges against Her Majesty's Government in which he has altogether misrepresented their intentions. I understood the right hon. and learned Gentleman to say that the acceptance by the Government of the Amendment moved by the hon. Member for the City of Cork (Mr. Parnell) was intended to "square" the Land League. I state again, as I said before, that we thought it would be an advantage in the case of a rack-renting landlord or an unfair creditor that he should not be able to prevent a tenant who was his debtor from obtaining the fixing of a fair rent before he was deprived of his holding. It was in order to guard against that danger, and to give full effect to the proceedings authorized under sub-section 3 of Clause 12, in the case of an ejectment directed by the County Court or one of the Superior Courts, that we accepted the Amendment. The right hon. and learned Gentleman, not content with making that charge, makes another—namely, that the Amendment, instead of having received due consideration, was adopted suddenly this evening, in defiance of what had passed in previous debates. Now, I really think that these charges are most unfair, and that it is hardly in accordance with the common conduct of Business on both sides of the House that that kind of charge should be made. We propose to deal with the question, because we really wish to enable the tenant to obtain a judicial rent, and we have accepted the Amendment in order that he shall obtain at once a limit of time within which the judicial rent shall be fixed. I trust that the House will be prepared now to arrive at a decision upon the question, as it has now been fully debated.

MR. A. M. SULLIVAN said, he wished to point out to the Government that while he felt it to be quite unreasonable that the creditor should be obliged to wait for an indefinite time, to tie down the tenant to a period if three months and no more would on many cases preclude the tenant from obtaining that fair equity to which he

was entitled. He thought the Government, in order to carry out their own views, should make the clause run in these terms—

"The Court should stay the proceedings for such reasonable period of time as, in the opinion of the Court, may enable the tenant, by due diligence on his part, to obtain from the Court a degree fixing the judicial rent."

He would not object to a provision requiring the tenant to exert himself in order to obtain a judicial rent, so that no delay should be occasioned by his inaction; but if the tenant did use due diligence, then he should not be prevented from obtaining the ear of the Court. Unless some such words as those he suggested were inserted, and if the hard-and-fast line of three months were adopted, the acceptance of the Amendment would really make it worth very little to the tenantry of Ireland. He quite agreed that the tenant should not be allowed to lie on his oars in order to defeat the creditor, but that he should exert himself in order to obtain the fixing of a judicial rent.

SIR JOSEPH M'KENNA (who spoke amid considerable interruption, which prevented many of his observations from being heard) was understood to say that the acceptance of a limit of three months would be most unsatisfactory to the Irish Members on that side of the House. The clause, as he regarded it, was intended to guard the tenant who had been suffering from rack rent, and who had paid a rack rent for a number of years, and had thereby become embarrassed in his circumstances, from being suddenly pounced upon by his landlord, and to enable him to set up his interest in the tenant right, in order to get a judicial rent fixed. It was quite obvious that the tenant's right should be fixed by a judicial rent, with a clear understanding as to whether he had been subjected to a rack rent or not. The right of the tenant should not be sold except under such circumstances as would enable the tenant to receive the full value of it.

Question put.

The House divided:—Ayes 225; Noes 113: Majority 112.—(Div. List, No. 379.)

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) proposed to amend the original clause by the inser-

tion of the word "proceedings" after "action" in two places.

Amendment agreed to.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved, in the words so restored, in page 29, line 26, after the word "pending," to insert the words—

"If satisfied that such judicial rent will be fixed within a reasonable time, not exceeding in any case three months."

Question proposed, "That those words be there inserted."

MR. PARNELL said, he was sorry that the Government had moved to fix a limit which, in his opinion, in a majority of cases, would render the clause practically useless and illusory. He agreed to the fullest extent that if the proceedings for fixing a judicial rent were to be indefinitely delayed, it would be unreasonable to ask the landlord or other creditor to wait for his money. But he would submit that, on the other hand, they should seek a mean in the matter, and instead of fixing a narrow limit of three months, which was much too small for the purpose in view, that they should leave the limit to the discretion of the Court. Under the clause, as it now stood, the Court was unduly fettered in a way that was open to much criticism, because it was provided in the Bill that the Court might stay the writ of execution until the termination of the proceedings to fix a judicial rent. That might be for a very long time, and he quite agreed that some incentive should be held out in the clause to hasten his proceedings, and to use all due diligence in order to obtain the fixing of the judicial rent. He might follow the analogy presented by the 12th clause—namely, that there should be no limit inserted whatever—because by the 12th clause they gave power to the Court to stay actions for ejectment for non-payment of rent, whereas by the present clause they sought now to prescribe a narrow limit of three months. What he wished chiefly to provide in this case was that where the tenant, owing to having got into difficulties, was unable to pay his rent, and applied to the Court to fix a judicial rent, with a view to being enabled to sell his interest in the holding, when that judicial rent was fixed the proceedings should be stayed, in order

to enable him to realize his assets to the fullest extent, because it was manifest that until a judicial rent was ascertained it would be impossible for the tenant to know what to ask for his interest in the holding, or for a future buyer to know what to give him. He did not wish so much to protect the tenant who was able to pay his rent; but his only object was to protect the tenant who was unable to pay his rent, and to enable him to sell his interest—in point of fact, to prevent the sale of his interest by the landlord, for arrears of rent, until the nature of the tenant's assets should have been fixed by the Court. That was all he asked, and he submitted that with regard to proceedings of this character it was absurd to fix a limit of three months, which, in the very nature of the case, must be wholly inadequate. He admitted that in some cases three months would be amply sufficient; but he would leave it open to the Court to extend the time beyond three months, or even make it less than three months, if necessary. He asked the Government, instead of hampering the Court with a limit, to agree to an Amendment which he proposed to move later down in the clause, and which, although of a simple character, would, he thought, meet all the circumstances of the cases. He would propose, after the word "conditions," in line 27, to add the words "and for such period." If some such Amendment were not adopted, the proposal of the Government would be worthless.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, the Amendment of his right hon. and learned Friend was to fix a limit of three months, and the conclusion the Government had arrived at was that it was only reasonable and right that there should be a limit of time, or otherwise considerable danger would be incurred. He would point out at once what the danger was. There could be no doubt that if they had a case in which a tenancy was about to be sold, it would be for the interest of the tenant, and of the creditor also, that a judicial rent should be fixed, and that the sale should be stayed for a reasonable time until the judicial rent was fixed. But if there was great delay in fixing a judicial rent, the advantage might be too dearly purchased, because it would be purchased at the risk of sacrificing the interests of the creditor.

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There was, consequently, this great danger, that if they did not fix a limited period, they might commit injustice to the creditor by delaying to an indefinite time the payment of the money due; and next, that they would give an inducement to the tenants to go into Court to have a judicial rent fixed merely for the purpose of so filling the Court with applications that the proceedings of the Court would be necessarily delayed, and the creditor would be kept out of his money for an indefinite period. By allowing any delay in the sale until a judicial rent was fixed there would certainly be an inducement, by making a number of applications, to interpose an artificial delay between a debtor and his creditor, the real object being not to get a judicial rent fixed, but to delay the payment of debts. That, he thought, everyone would feel to be an injustice, and it was against such a danger that the Government were anxious to guard. For that reason, they had proposed a limit of three months.

MR. A. M. SULLIVAN confessed that he was entirely taken by surprise to find the Government adhering to the hard-and-fast line of three months. The argument of the hon. and learned Solicitor General amounted to this—that if a tenant had made an application to the Court for the fixing of a fair rent, other persons might perhaps, without any privity on his part, crowd the Court with similar applications, and he was to suffer in consequence. He had never before heard such a doctrine laid down. What he contended for was the *bond fides* of the application, and if the tenant used due diligence, he did not see why he should be damnified. It was most unreasonable that the tenant should be injured for that which was no fault of his own. If the tenant had an equity, why should the Legislature deprive him of that equity for that which was no fault whatever on his part? In most cases a period of three months would afford abundance of time; but he contended that the question of the absolute limit was one which ought to be left to the discretion of the Court, which should have full power to take care that the tenant was not injured. The Irish Members were as anxious as anyone to checkmate and render impossible any trickery on the part of the tenant for the purpose of postponing a decision; but that would be effectually done by the

clause without fixing a limit of three months. The Court should be allowed to judge whether the application was *bond fide* or not, and should be able to say to a tenant—"You have not used due diligence, and we will not even give you three months." Under these circumstances, he asked the Government not to adhere to the limit of three months, which might be made to work a most grievous injury to the tenant. This was the last Amendment that would come before the House of Commons, and he appealed to Her Majesty's Government not to let their last act in connection with the Bill—which he believed would be one of blessing to his countrymen—to be an ungracious one. He earnestly appealed to them not to let the last act of a four or five months' discussion be one of difference with the Irish Members, and he strongly entreated them to make the concession asked of them. He was not wedded to an exact phraseology of the clause; but he appealed simply for justice to the tenant, and he asked the Prime Minister to meet the Irish Members a little more reasonably in this matter than he had yet indicated.

MR. GRAY said, he thought the Amendment would be quite useless if the limit of three months were retained in it. He failed to see upon what principle the Government had arrived at the period of three months. He would take the instance referred to by the right hon. and learned Attorney General for Ireland. The right hon. and learned Gentleman said that a number of applications might be made within a week of the passing of the Act for the fixing of a judicial rent; but had they any reason to believe that the Commission would be constituted, and in full working order, and capable of fixing judicial rents within three months of the passing of the Act? If not, the people who applied within a week of the passing of the Act would have their interests swept away, not on account of any fault of their own, or any negligence on their part, but because the Commission had not been able to get itself into working order within the time named by the right hon. and learned Gentleman himself. If they proposed any limitation, based on the default of the tenant, in any shape or form, that would be perfectly right; but they proposed a limitation, and gave the tenant no means whatever of escaping

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from it. He might use all due diligence; he might make his application on the very day after the Act passed; but, owing to some delay in a Governmental Department, or some other circumstance over which he had no control, the right which it was professed to give him would be taken away. The Bill, therefore, was only holding out hopes which might mislead him. It would be more straightforward to cancel the Amendment altogether than propose the clause in its present shape, because he believed the Court would be blocked by the number of applications which would be made to it. It would not be the Land Court which would have to decide the matter, but the Superior Courts of the country; and surely they could be trusted in such a case. If the anticipation of the right hon. and learned Gentleman were to come true, it would only show that every man who applied in this way would apply under the Act, and would facilitate the working of the Act by getting a judicial rent fixed. It was scarcely reasonable to assume that men would run the risk of having a higher than a judicial rent fixed for the purpose of escaping from a debt that they would be ultimately bound to pay. Unless some modification of the proposal of the Government were made, it would be better to cancel the Amendment altogether.

Mr. DALY agreed with the hon. Member for Carlow (Mr. Gray) that the acceptance of the Amendment as it at present stood would not do good. To his mind, they should allow the Court, in extreme cases, where the tenant had made a *bond fide* application at the earliest possible time, and, through no fault of his own, had been unable to proceed to settle before three months, to permit proceedings to be taken. He would propose that the tenant should have six months allowed him; and they must bear in mind that by giving this time they would not be holding out any inducement to the tenants to cause delay, because the power of extending the time would be given to the Court. He would move that the word "six" be substituted for the word "three" in the proposed Amendment.

Mr. GIVAN said, he thought the Amendment of the hon. Member for the City of Cork (Mr. Parnell) should be accepted. The practice of the County

Court Judges was to hold their sittings quarterly, but not at even intervals of three months. The terms were at Hilary, Easter, Summer, and October, and the interval between the Summer and October terms was always four months—namely, from the 1st of June to the 1st of October. Therefore, supposing the tenant had to bring his action in the County Court, it might be impossible for him to have his rent fixed within the necessary three months. It would thus be evident that if the Commissioners adopted the same procedure as the County Court Judges with regard to the holding of Sessions, an injustice must fall on the tenant. He thought this hard-and-fast rule should not be adhered to by the Government, and he would strongly recommend the Prime Minister to accept the Amendment of the hon. Member for Cork.

Mr. CALLAN said, the Government would relieve the minds of the people of Ireland, and at the same time get out of this difficulty, if they declared it to be their intention to appoint a large number of Assistant Commissioners to facilitate the progress of this business. That would satisfy a large number of gentlemen out in the Lobby who were anxious to get the appointments, as well as Members of the House and the Irish people generally.

Mr. DALY rose to a point of Order. The Speaker did not seem to have caught the fact that he had moved an Amendment.

Mr. SPEAKER: Does the hon. Member move an Amendment on this Amendment?

Mr. DALY: Yes, if satisfied that such judicial rent would be fixed in a reasonable time "not exceeding three months." My Amendment is to leave out the word "three" and substitute the word "six."

Amendment proposed to the said proposed Amendment, by leaving out the word "three," and inserting the word "six,"—(*Mr. Daly*,)—instead thereof.

Question proposed, "That the word "three" stand part of the proposed Amendment."

Mr. GLADSTONE: I cannot assent to the Amendment that has been moved. In this case it is said that it is hard a tenant should suffer in consequence of what might be the fault of others; but then it must be borne in mind that in

certain quarters demands would be made not to pay the rent in consequence of the delay held out to them by this Amendment in regard to getting the judicial rent fixed. I cannot admit the danger will arise, on the other hand, in the degree which has been stated by some hon. Gentlemen opposite. The tenant would not go into Court were he afraid the rent would be raised, but only if he expected it would be lowered. In a great many cases, no doubt, he will go into Court expecting it to be lowered, when his expectations will not be realized. He may be tempted to go into Court simply because of the prospect held out to him by the judicial rent; but, on the other hand, the judicial rent may be something with which to satisfy the claims of his creditors. We agree in principle with the statement of the hon. Member for Cork City, that hardship to the landlords might result from the misjudgment of a great many tenants, when temptation was held out to them to apply for a judicial rent, in consequence of a certain amount of delay they may conceive they were likely to obtain. On this account we cannot agree to a prolongation of the term.

MR. O'DONNELL said, the right hon. Gentleman seemed to be seized with an inexplicable fear of the operations of his own Court. Suppose there was a certain temptation held out to some tenants, did not the Court hold out the temptation to the very worst class of landlords so to delay the progress of the suits for fixing a just rent that sufficient time and opportunity might not be afforded to the tenant to sell out? He thought there was just as much likelihood that injustice would be committed on the one side as on the other; and, in face of the certainty that great injustice would be done to many tenants if insufficient time were allowed them to prosecute their just claims, he could not see how the House could refuse the application of the Irish Members.

MR. DAWSON said, he did not think the right hon. Gentleman the Prime Minister had answered the question put by the hon. Member for Monaghan (Mr. Givan). It might be a legal point that the right hon. Gentleman could not answer; but, if that were so, the Attorney General was by his side, and through him he would be able to answer. It had been pointed out that for more than

three months the Court might be prevented from going into a case. In answer to the hon. Member for Monaghan, the right hon. Gentleman surely should say that where four months elapsed the tenant should not lose all benefit of the clause.

MR. REDMOND said, the words "six months" followed the words "not exceeding." Therefore, it was a question in the discretion of the Court whether proceedings should be stayed for more than three months or less. The Amendment would not fix a hard-and-fast line.

Question put.

The House *divided*: — Ayes 223; Noes 65: Majority 158. — (Div. List, No. 380.)

Amendment again proposed to the words so restored,

In page 39, line 26, after the word "pending," to insert "if satisfied that such judicial rent will be fixed within a reasonable time, not exceeding in any case three months."—(Mr. Attorney General for Ireland.)

Question proposed, "That those words be there inserted."

MR. T. P. O'CONNOR said, he thought he and his hon. Friends would not be discharging their duty if they allowed this clause, as amended, to be put without making a much more strenuous and serious and prolonged struggle. He scarcely could believe that the Government knew the meaning of their Amendment. According to sub-section 3 of Clause 12, a landlord who was proceeding by ejectment was bound to stay the proceedings until the termination of an application for the fixing of a judicial rent. There were two Courts—that to which the tenant could go for a judicial rent, and the Court to which application could be made to stay proceedings. How could the Court which was to stay proceedings have official knowledge of what had been done by the Court dealing with a judicial rent? He did not wish to offer any obstructive opposition, and, therefore, he would not move the adjournment of the debate, though he thought the importance of the question would have justified that course. He only desired to mark his sense of the action of the Government, and he hoped his hon. Friend would persist in his opposition until the Amendment was a little more amended.

Mr. Gladstone

Mr. DAWSON said, he thought the Amendment a departure from Clause 12.

Mr. A. M. SULLIVAN complained that he and his hon. Friends had had no assistance in this matter from the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson), at whose instance the scope of this Amendment was enlarged on a former occasion. The Government proposed to accept the Amendment of the hon. Member for the City of Cork (Mr. Parnell) as to the landlords, when the right hon. and learned Gentleman pointed out that it would be only half effectual as long as other creditors were allowed to proceed. For that service they would never cease to be grateful to the right hon. and learned Gentleman — [*Laughter*] — though they believed he had been taken to task by his own Friends. The credit was due to him, and not to the hon. Member for Cork. The hon. Member for Galway (Mr. T. P. O'Connor) thought they had not fought the matter strenuously enough. He himself felt very strongly upon it, but he hoped at this stage they would not be wanting in dignity in their opposition.

Mr. GIBSON said, he was delighted to get gratitude from any quarter of the House, but he must repudiate the smallest responsibility in this matter.

Mr. O'DONNELL protested earnestly against the manner in which the Government had yielded to pressure — which could hardly be called worthy pressure — and had withdrawn the most just concession which they originally made. This limitation of three months would practically destroy the effect of the concession, and would render it purely nominal and nugatory; and the Government might as well understand from the Irish Party that they recognized what the Government had done, and that notwithstanding all the magnificent language of their supporters with regard to the rights of the people they had yielded on a matter of the first importance to the Irish people. It would be more manly to strike out the concession altogether, for it was perfectly worthless as it stood. It was only another proof that the Government had come to their conclusion without regard to the Party which represented the Irish tenantry; and he was sorry that a larger number of that Party did not feel that the first consideration on this matter was

not exactly the dignity of the Government, but the necessary defence of the Irish tenantry. This was a sop to the noble incorrigibles and irreconcilables in “another place,” and to them the interests of the Irish people were being sacrificed.

Question put.

The House divided:—Ayes 210; Noes 34: Majority 176.—(Div. List, No. 381.)

Mr. PARNELL said, he had another Amendment to move, which would give the Government a last chance of acting in a straightforward manner—a manner which he begged to say they had not adopted in the way in which they had met the Amendments of the House of Lords. He thought it would have been far more straightforward if the Government had adopted the Lords' Amendments, rather than have sought to carry out the objects of the Lords in a disguised fashion. That was what had happened. The Government appeared to have been afraid to adopt the Amendments of the Lords in a straightforward fashion, and they had sought, in a roundabout way, and in a disguised fashion, to carry out the object of the Lords in the rejection of the last part of this clause. He thought, after the strong expression of opinion given by the right hon. Gentleman the Chief Secretary to the Lord Lieutenant, a different course might have been pursued. The provisions of the clause, as they stood, were at present not worth anything; and, for his part, he would prefer to see them cut out of the Bill altogether, than that it should be supposed that the Government had made any concession in the matter. The concession was perfectly worthless, and he made the Government a present of it. He begged to move, after the word “months,” to add the words—

“And if satisfied that, although such judicial rent cannot be fixed within such period of three months, said inability has arisen from no collusion or default on the part of the tenant, and that such rent can be fixed within any further reasonable period.”

Question proposed, “That those words be there inserted.”

Mr. CHARLES RUSSELL said, he was reluctant to take part in any prolonged discussion of the Amendment; but he must point out that the advantages which the Government intended to give would be illusory. It was per-

fectly clear that upon a full consideration of the clause, as amended, it would be found that, in effect, it conferred no advantages upon the tenant at all. In the first place, he would remind the House that this was a question not of the Court absolutely saying that the proceedings should be stayed, but simply of giving to the Court a discretion as to the period during which the proceedings might be stayed. It must be recollected that already the Court might impose restrictions as to the limit of time, and certain other conditions, such as requiring security to be given, and so forth. The hon. Member for the county of Monaghan (Mr. Givan), who had himself had great practical experience, having himself been a practising solicitor in the Quarter Sessions Courts, had pointed out that it was utterly impossible, in the course of three months, to deal with the question of rent at all. But the application to stay proceedings was to be made to the Court in which the proceedings were pending, and that might be the Court of Quarter Sessions.

MR. GIBSON: No, my hon. and learned Friend is mistaken.

MR. CHARLES RUSSELL: Why not?

MR. GIBSON: It must be made in one of the Superior Courts.

MR. CHARLES RUSSELL believed that his right hon. and learned Friend was correct; but what was to be the judgment of the Court? It would not be a question of which the Court had any judicial cognizance. But, within very narrow limits, it would be called upon to exercise a judicial discretion with reference to what another Court, of which they knew nothing, might do as to the fixing of a judicial rent. He would point out that a close analogy prevailed between Section 13 of the Bill, as it was returned from the House of Lords, and Section 12, as it was sent up by the House of Commons, and the present section in regard to the question of staying the proceedings. For all practical purposes, there was a true and close analogy between the two cases. Section 13 dealt with the question of proceedings in an ejectment for the recovery of possession of a holding, and it provided that the Court should have power to stay the proceedings in ejectment at its discretion, and on such terms and conditions as it might think right to

impose, until the judicial rent should be determined. What was the subject-matter of the present section? It was a proceeding, not in a matter of ejectment, but under a *fi fa*, in compliance with the judgment of a Superior Court. It sought to realize the judgment by the sale of the tenant's interest in the holding, which would be just as effectual, so far as the tenant was concerned, as an ejectment, or even more so, because in the one case there would be a period of six months for redemption, whereas in the other the period was to be for the discretion of the Court to determine. Why a hard-and-fast line of three months should be now drawn, he was at a loss to imagine. He fully admitted that the Bill, as it stood, was a valuable Bill in the interests of the tenant; but it also gave full security to the landlord whenever the tenant's interest was sold. By Clause 1, in sub-section 16, every charge and claim the landlord had for rent, or damage, or breach of contract, was made a first charge upon the proceeds of the sale. He was exceedingly sorry that this matter had not been thought out more carefully by the Government in order to see what the result would be, and he was afraid that the clause very much diminished the advantages which the Bill professed to give.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) remarked, that his hon. and learned Friend was very much mistaken in the inference he had drawn that the question had not been carefully considered by the Government. It had, indeed, been very carefully considered. But it must be recollected that there might be a creditor who was not the landlord, and who had no connection with the landlord—an ordinary creditor who simply wanted his money. The debtor who owed the money found himself unable to discharge the debt, and if the creditor obtained judgment, an execution might sweep away all the debtor's chattels without affecting the tenancy at all. His hon. Friend the Member for Monaghan (Mr. Givan) stated that the Sessions only sat at particular seasons of the year, with an interval in one season of four months, and contended that the limitation it was proposed to fix in the clause would render it valueless, because three months would not bring them to anything like the time of the Court's sitting. But the

Mr. Charles Russell

question was not one between a July and an October Sessions; and the difficulty suggested did not, in fact, arise at all. The argument of his hon. and learned Friend the Member for Dundalk (Mr. C. Russell) pointed to an application to a Superior Court in which a case was pending, and his hon. and learned Friend asked—"What can the Court know as to what is going on in the Inferior Court, by which the judicial rent is to be fixed?" He presumed the Superior Court would act upon sworn evidence, and would have full capacity to form a judgment as to what amount of judicial rent would be fixed; at any rate, that was a difficulty which must be encountered in any form of the clause. Therefore, he did not see that there was much force in the argument of his hon. and learned Friend, and they must trust that the Court, instead of knowing nothing of the merits of the case, would be supplied with full information. His hon. and learned Friend however, in the same breath, asked that the Court above should be capable of extending the period of time as long as it deemed reasonable; but, according to the argument of his hon. and learned Friend, he (the Attorney General for Ireland) did not see how the Court could measure the reasonableness of the application if it was true, as his hon. and learned Friend alleged, that it could know nothing about the merits of the case. There was no analogy between a case where the tenant had *prima facie* a right to have a judicial rent fixed and to claim a statutory term, and in which the landlord, nevertheless, desired to take possession of the holding, and the case of an outside creditor who simply required to recover a debt—a shopkeeper, for instance. It would be unfair to ask such a creditor to postpone his rights indefinitely. The Government thought that three months would be a reasonable time. In the first place, they had made provision to protect the interest of the tenant, and now they felt they were bound also to guard the interests and rights of outside creditors. Under these circumstances, Her Majesty's Government were unable to accept the Amendment.

Mr. OALLAN said, he was sorry that the right hon. and learned Attorney General, who appeared to have listened attentively to the speeches of the hon. Member for Monaghan (Mr. Givan) and

the hon. and learned Member for Dundalk (Mr. C. Russell), had not paid the same attention to the Amendment itself, which said that it should be through no default of the tenant that the inability had arisen. It might be through the default of the Government. Suppose, for instance, that there was a dispute between the Irish Office and the Treasury upon such a question as that of salaries, and the Commission found itself unable to get into working order. The House had no assurance yet as to when the Commissioners would be appointed and be able to proceed with the work. All they knew was that the Commissioners were to be appointed before the end of the year, and long before the month of November there might be applications to the Court to fix a judicial rent. He considered the Bill, as a whole, a grand measure; but this Amendment of the Government made the clause nothing better than a miserable sham.

Mr. DALY said, it was in the interest of the creditors, other than the landlord, that the Amendment proposed by his hon. Colleague (Mr. Parnell) should be adopted. If a shopkeeper or a trader of any kind could not get what was due to him by the tenant, he could not sell the property of the tenant if there was rent due to the landlord. A man had a right to claim a judicial rent for his holding; but it was proper that the suggestion of his hon. Friend should be accepted, because it enabled, within reasonable limits, and subject always to the judgment of the Court, the assets realizable by the tenant to be appropriated for the benefit of the whole of the tenant. The Amendment of the hon. Gentleman did *bond fide* justice to all parties, and the position taken by the Government in regard to it was untenable from beginning to end. He trusted the small modicum of justice contained in the Amendment would not be denied the Irish people.

Mr. STOREY said, the aspect of the two Front Benches did not hold out to them much prospect of justice being done in this matter. What was meant by the emptiness of the Opposition Front Bench? Right hon. Gentlemen who usually occupied that Bench recognized that the Amendment which had been put into the clause by the Members of the Government was an Amendment which, practically, carried out all they desired. He held some old-fashioned

notions against interfering with the *bond fide* collection of honest debts, and therefore he did not disagree with the Lords' Amendment so far as ordinary traders were concerned; but the section of the clause which was put in at the instance of the hon. Member for the City of Cork (Mr. Parnell) was not meant by him to have relation to the ordinary creditor, but to deal with the landlord—it was against the landlord it was mainly directed, and very properly so. The ordinary creditors had no object in forcing on actions against the tenant so as to evict them; their interest, on the contrary, rested in waiting until the debt could be paid. But the object of the landlords, or the object of certain landlords at any rate, was to use the powers of the Bill in a way that would rid them of their tenants. The Government recognized this, and in Clause 12 they provided against it. Why did the Government do that? Because they recognized that the object of the landlord, although ostensibly to get his rent, was really to get rid of the tenant and get hold of the farm. The right hon. Gentleman the Chief Secretary for Ireland would not deny that this was the case, because, when it was pointed out by the hon. Member for the City of Cork (Mr. Parnell) that he had not provided for all the methods the landlord might adopt to get rid of the tenant, he frankly admitted he thought they had done so, and said if they had not they would immediately accept the Amendment of the hon. Gentleman, in order to shut all the doors by which a landlord might, while ostensibly seeking to get his rent, clear his estate. What was the position now? Under Clause 12, which the Chief Secretary for Ireland had thought covered all the possible chances of the landlord clearing the tenants from their holdings, the Court had power to suspend the action of the landlord until the statutory term and judicial rent were fixed. What did the hon. Member for the City of Cork ask? Simply this—that if the landlord, instead of taking the front-door, should take the back-door, which the Chief Secretary for Ireland had forgotten altogether—if the landlord used the back-way for the purpose of effecting his object, the Government should place the same difficulties in his way. The Government could not defend the position

they assumed. The Attorney General for Ireland did not defend it; and if any hon. Gentleman was so disposed, he (Mr. Storey) would ask him what answer could be made to his contention that, if it was fair and just to prevent a landlord from clearing his estate in one way, it was equally just and right to beset him with obstacles if he adopted another mode of securing the same end? He had been a pretty steady supporter of the Government throughout all the discussions of the Bill; but while it had been his duty on some occasions to vote against the Government and in favour of widening the scope of the measure, he must recognize the general and conspicuous fairness with which the objections raised by the Members from Ireland had been met by the Occupants of the Treasury Bench. He appealed to them not to commit a lasting injustice to-night. If they did not accept the Amendment of the hon. Member for the City of Cork, they would allow the Bill to pass with a manifest injustice upon the face of it, because, under one of its clauses, Irish landlords might achieve an object which the majority of the House did not desire to see accomplished—namely, the clearing of estates.

Mr. W. E. FORSTER said, he would not go over the arguments advanced by his hon. Friend (Mr. Storey). Ordinary creditors were not in the same position as the landlord, and the Government had endeavoured to meet their case as far as they could.

Mr. A. M. SULLIVAN shared the opinion of the hon. Member (Mr. Storey), that the satisfaction of the Front Opposition Bench in this matter was evident. They had gone to bed, leaving Her Majesty's Ministers to look after their interests; they had departed, leaving the worthy Alderman (Mr. R. N. Fowler) in charge. He was sorry the Government had made up their minds not to yield on this occasion, because he felt that the operation of the clause would be in many cases to defeat the equities of the Irish tenant.

Mr. O'DONNELL said, the Government affected very deep interest for the general creditors of the Irish tenant. Too much stress could not be laid on the fact that, in placing in the hands of the landlords the power of turning out the tenant before the Court had an opportunity of fixing the judicial rent, the

Government, while imagining they were supporting the rights of the creditors in general, were really sacrificing those rights. As the hon. Member for Sunderland (Mr. Storey) had pointed out, it was not to the interest of ordinary creditors to force the property of the tenant into the market. The moment a judicial rent was fixed upon the over-rented holdings the tenant right would go up immediately, and the assets with which the claims of the general creditors would be satisfied would be increased. It was to the interest of the general creditor to give ample time in which the tenant could meet his debts, while it was to the interest of the grasping landlord to sell out the tenant and get the property finally and entirely into his own hands. The Government had entirely forgotten that such was the misery of Irish tenants that they had had to introduce in the Bill a clause facilitating the payment of arrears. Was it not the fact that there were some 250,000 tenants in Ireland so hopelessly in arrear, owing to the recent bad seasons, that if the full force of the law were used against them they must completely fail to pay their debts, and that they would consequently be exposed to be turned out under the operation of the clause, as it had now been transformed by Her Majesty's Government? Did they not know that the landlord party regarded this Bill as the commencement of a new era of just rents, and therefore, practically, the death of landlordism in Ireland? Was it not a fact that from the time this Bill came into operation the landlords in Ireland would be practically little more than rent-chargers on their estates? When the tenants had their rights, the power of the landlords over their estates, as they and their forefathers had understood it for generations, would be gone for ever. This was their last chance, and they had a perfect right to do all in their power to protect their interests. If they did not take advantage of this opportunity, it would be their own loss, for they would never have such another. Did hon. Members not know that the landlords had a powerful organization, and that hundreds and thousands of pounds had been subscribed for the purpose of furthering the objects of the Emergency Committee. And was it not equally well known that this Committee had shown great energy whilst working even in the

face of that larger organization the Land League? Did they not know that more money would be subscribed for the purpose of obtaining writs against tenants in arrear who were unable to pay their debts? Did they not know that from one end of Ireland to another tens of thousands of the tenants of Ireland were menaced by the substitution of this clause for that to which the Government originally pledged themselves to complete and final exclusion, not only from the benefits of the Bill, but from the very possession of their holdings? Under this clause, which the weakness and foolishness and reversal of good faith of the Government were now forcing on the Irish Members and the Irish people, all the good which would be effected by the rest of the Bill would be undone. As the hon. Member for Sunderland (Mr. Storey) had said, what was the use of shutting up the front door by which the landlord could get into possession of the tenant's property, if they left open the side-door and the back-door through which he could just as easily enter? It was true that until recently the landlords were not disposed to make use of the writ of *fi fa* against the tenants, and had preferred to act on writs of ejectment. The Courts, however, were of opinion that actions for ejectment should be stayed until the Bill had had a fair opportunity of working; but that only threw back the whole landlord body on the other alternative—one which was still more efficient than action for ejectment would be under ordinary circumstances. Of course, applications for writs of *fi fa* would be carried into the Superior Courts. Of course, the landlords would not allow themselves to be robbed, as they, from their point of view, believed they were being robbed, under the remedial Bill of the Government. They would use every legal means in their power to protect themselves; and why should they not? They would use writs of *fi fa* to clear the tenants off the land before there had been a legal rent fixed, and before the assets of the tenant had risen in value—before it would be incumbent on the landlord, before he could clear out the tenant, to pay a very heavy price indeed for the goodwill of his farm. It would be the worst landlords who would be benefitted by the opportunity the Government offered them. The bad landlords, who

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had reduced the tenant right on their estates to a merely nominal value—who had reduced the tenant's right to zero—would be the persons who would enter without any trouble under a writ of *fi fa* on the tenant's property. The tenant's assets would be so small that they would be all swallowed up; but it would be quite different if they gave the tenant time to acquire a sound and solid position under the Bill. They must take all these circumstances into consideration—that this was the last chance of the landlords; that many of them were, from their point of view, justly irritated, believing that they recognized in the measure the final extinction of proprietorial rights, as they had enjoyed them for generations, and that the landlords considered that they owed less than nothing to the existing tenants, and that they had been most unjustly treated by the tenants and the tenants' organization. He did not enter into the landlord's point of view; but it was notorious in the House that the proprietorial classes did entertain this view as to the tenants and the tenants' organization. It would be seen, then, that the landlords must use the opportunity afforded by the Government in lieu of all the other opportunities taken away from them. It was, he maintained, simply useless and futile to close against the landlords two or three doors when they left open others through which the whole party could advance with perfect security.

MR. SPEAKER: I must point out that the hon. Member is using precisely the same arguments over and over again, and that he is, therefore, trifling with the House.

MR. O'DONNELL said, he had no wish to trifle with the House, but only desired to make good the charge that Her Majesty's Government were trifling with the Irish tenantry. He was defending the interests of his own people, which were threatened with serious injury through the feebleness and weakness and breaking of faith Her Majesty's Government had been guilty of. He and his Friends had been sent there to defend the interests of the Irish people. Only a few days ago they left these interests, with confidence, in the hands of Her Majesty's Government; but that confidence had been betrayed, and the Government had handed over

the Irish people, under cover of a most illusory and worthless Amendment, to their greatest enemy. He did not believe—he did not wish to believe—that the Prime Minister had fully realized the importance of his action. The right hon. Gentleman had not seen the importance of the point—he had never discovered it himself—and it required the Irish Party—the Leader of the Irish Party—to point out this vast gap in the Bill. He (Mr. O'Donnell) believed that at the time the right hon. Gentleman left the House he did not see this gap. The right hon. Gentleman had gone away, and, seemingly, had left no power of altering or accepting any proposal. It would, therefore, be advisable, under the circumstances, for them to adjourn the debate to give the Cabinet an opportunity of meeting to consider the question. The Cabinet would find itself face to face with a question the magnitude of which they did not yet realize; and it seemed to him that it would be much better, instead of taking part in a discussion without having any power to accept Amendments or alter the policy of the Prime Minister, to adjourn the debate in order to have an opportunity of considering this grave issue which they provoked, and in the face of which they—the Irish Members—dared not refuse to do their duty. No Irish Member would falter on this point. None of them would be able to face their constituents unless they made the most strenuous opposition to the treacherous conduct of the Government.

MR. DAWSON said, the Attorney General for Ireland (Mr. Law) had tried to trace an analogy where none existed, and had denied another analogy which was patent to all. The value of chattels might be easily ascertained, and the goods sold; but this was not the case with a tenancy. There was no analogy between the two kinds of property; but the right hon. and learned Gentleman had denied an analogy between the clause and the provision it was now sought to pass, which analogy was palpable. They prevented during the trial of the value of a tenancy the landlord, or anyone else, from coming in to determine that tenancy. They made them wait for the decision of the Court; but in this provision they opened a retreat—they put into the cup—as they always did when they gave anything to Ireland

Mr. O'Donnell

—something which poisoned all. They always left something to poison the message of peace they sent to Ireland. The principle of give and take which was now being practised was not creditable to this great Government. First they gave a thing to Ireland and then they took it back. The Chancellor of the Duchy of Lancaster (Mr. John Bright) had on one occasion condemned this practice, declaring that there was nothing which so much offended the people as taking back with one hand what they had given with the other. Did the Government think they had a right to practice this upon Ireland when they knew, on the authority of the Chancellor of the Duchy of Lancaster, that it would not be submitted to in England? They had expected from the other House a meddling with the Bill, a deterioration of its principles, and a want of appreciation of its effects; but they had not expected it from the Prime Minister and the Occupants of the front Ministerial Bench. The Bill as originally framed would have brought about a great revolution, and after it had been amended in the House of Commons it would have brought about a still greater and more beneficial revolution; and he was very sorry that at the last hour they should advise the opening of a door through which the landlords would escape in crowds.

MR. T. D. SULLIVAN said, this was another specimen of that which had been called putting down the foot on the part of the Government. Let it be known, therefore, that they were putting the foot down upon Irish opinion—upon the Irish people. Let it be considered how Irish opinion had been declared on this subject to-night—how the Irish Members had acted and voted. It would be found that the Irish Members were almost unanimously opposed to the clause brought forward by the Prime Minister. He (Mr. T. D. Sullivan) was very sorry that such a large measure as this should have such a nasty ending. The head and body of this Bill might be the head and body of a lion, but the Government were now attaching to the carcase a very ridiculous caudal appendage. He should call it the tail of a little cur, only that there was a sting in it which was a thing not to be found in the tail of a puppy. This clause went far towards

marring the efficacy of the whole measure. It struck down the hopes of the Irish people, and it would go a great way in the future towards creating, not peace and contentment, but disappointment and strife. It was for these strong and sufficient reasons that they (the Irish Members) at this late hour of the night, and at the very end of this important measure, took the stand they were now taking. It was for no light consideration that the Irish Members were adopting their present course. It was from no wish to delay other Business—[“Oh!”] No; it was nothing of the kind. It was no pleasure to the Irish Members to prolong these discussions. It was no pleasure to them to sit up until a late hour putting forward opinions which they knew were not agreeable to Members of the House. But they were acting here under a strong sense of duty and of the obligations imposed on them, and with the knowledge that behind them was Ireland, who was watching the fate of this measure with great anxiety, and who would murmur very loudly if this mischievous addendum were allowed to be put at the end of the Bill. And if this measure was intended to be, as it no doubt was intended to be, a message of peace to Ireland, what a pity it was that, at the very last moment, this declaration of war should be put into the very last words of the measure. He believed that if the Prime Minister had heard the arguments against the Amendment he would have given way, or made some concession. On many occasions during the discussion of this Bill the Prime Minister had weighed and considered arguments which were put before him, and he did not think it unreasonable to suppose that he would have impartially given his mind to the arguments against this Amendment. He thought it would be only fair to the Prime Minister, fair to the measure, and fair to the Irish nation, that the Prime Minister should have an opportunity of hearing the arguments; and for that reason he would move the adjournment of the debate.

Motion made, and Question proposed,
“That the Debate be now adjourned.”
—(Mr T. D. Sullivan.)

MR. W. E. FORSTER: I cannot for a moment assent to the Motion. The

hon. Member wishes to give the Prime Minister an opportunity again to consider this matter. The Prime Minister has considered it. The arguments have been already stated, and he answered them in one of the speeches he made. But I must bring before the House that the question of adjournment to-night is not a mere question of the convenience of this House or of Members at this late period of the Session. It is a matter of critical importance to the fate of this Bill. If we adjourn now, I am not going beyond the truth in saying that the Bill will be endangered, and I must call upon hon. Members who wish to make the Bill secure to support us in getting through the Bill to-night.

MR. STOREY said, he thought that if the Government were now in a little difficulty they had themselves to blame. He was so new a Member that he did not expect that the Chief Secretary would answer his arguments; but he did expect that he or someone else would have answered the arguments of the hon. and learned Member for Dundalk (Mr. C. Russell) and others. He was not so foolish as to think that the Chief Secretary had attempted to answer what he had said; but he thought that if the right hon. Gentleman had shown more courtesy, and had taken the trouble to answer him, the House would have been nearer the end of the matter than they now were. What had the Government done? They had not attempted to answer the arguments; they had simply said—"We cannot agree." Well, that was not the way to get anything settled in this House, or anywhere else. He would not address the Chief Secretary again; but he would put to the Attorney General for Ireland, whose courtesy he was willing to admit, a consideration which weighed with him at present sufficiently to induce him to vote against the Government. Was it not his purpose in Clause 12 to prevent the landlord from taking advantage of the Bill in order to resume possession of his holding during the six months? Hon. Gentlemen might complain of his reading that clause, but they had probably never read it themselves; and, as a Radical Member, he would take the liberty of saying that some hon. Gentlemen had told him they had never read the Bill.

Mr. W. E. Forster

MR. SPEAKER: I must remind the hon. Member that the adjournment is the Question before the House.

MR. STOREY said, he was about to read that portion of the clause to which he was referring. It read thus—

"Where any proceedings for compelling the tenant of a present tenancy to quit his holding shall have taken place before or after an application to fix a judicial rent and shall be pending before such application is disposed of, the Court before which such proceedings are pending shall have power, on such terms and conditions as the Court may direct, to postpone or suspend such proceedings until the termination of the proceedings on the application for such judicial rent."

He would ask the Attorney General for Ireland whether the purpose of that was not to prevent the landlord from taking advantage of the Bill to get possession of his holding and clear the tenant off? [THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): Yes.] Well, it was now simply asked that the Court should have the same power if the landlord proceeded by action to recover his rent. At the present moment, if three months and a day had elapsed the landlord could proceed with his action and get a judgment, clear the tenant off the land and resume possession—the very thing that hon. Members from Ireland and he himself did not want to see. Why, if the Court had power in the one case, under Clause 12, to suspend the action of the landlord, should the Court not have the same power in a precisely similar case under the last clause? The right hon. and learned Gentleman said there were other people to consider besides the landlords—there were the other creditors. He was willing to admit that; but he was now dealing with the landlords. Did not the right hon. and learned Gentleman agree that the creditors had no interest to press the tenant; but the landlord had? If a landlord wanted to get possession of his holding, he had an interest to press the tenant, and to take advantage of the law. That being so, so far as the landlord was concerned, why, if the Court was to have power to suspend the action of the landlord in the one case, should it not have power to suspend his action in the other case under the last clause? If he could get a satisfactory answer to that, he should be content.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he would

endeavour to answer the question, though he thought that he had already done so. In this particular clause it was proposed to stay the proceedings of any creditor—not the landlord merely, but every creditor—but the rights of an ordinary creditor could not be interfered with beyond a certain point without gross injustice. The landlord could not be dealt with alone, because then the other creditors would come in and sweep everything away. Therefore, in this matter of restricting the execution of a writ under the order of the Court, it was necessary to make provision for the protection of all parties who might be concerned. It by no means followed that the execution creditor, be he landlord or merchant, derived any advantage, beyond getting perhaps the amount of his debt. The landlord, like any other execution creditor, might no doubt buy the farm, and if he did the tenancy would be at an end. But if any ordinary creditor or other person than the landlord bought the holding, such person would be a present tenant.

MR. STOREY said, the right hon. and learned Gentleman had not answered one point.

MR. SPEAKER: The Question before the House is the adjournment of the debate. The hon. Gentleman cannot enlarge upon the Main Question; and he is certainly not entitled to make a second speech.

MR. FARNELL said, he thought the excuse which the Government now made for not making this provision as large as the provision in the 12th clause was really no excuse at all. He did not ask that the other creditors should be given the advantage of this clause; that was a proposal which was interpolated at the suggestion of the Front Opposition Bench, and not by the Irish Members. They did not think there was any necessity for protecting the tenant against the other creditors, because the other creditors were not pressing the tenant. It was the landlord who pressed the tenant; but other creditors were not doing that in any excessive manner, and there was no reason why the clause should apply to other creditors. He should have been glad if a provision could have been introduced exempting the tenant from other creditors, and only referring to the landlord; and it was certainly rather hard and unfair on the part of

the Government, who had themselves introduced this modification in the clause, to treat that as a reason for limiting it so injuriously and unjustly as to deprive it of all beneficial effect. He did think the request of the hon. Member (Mr. T. D. Sullivan) that the debate should be adjourned to see whether the Prime Minister would not consent to a modification in this respect was reasonable; and he did think the Chief Secretary had adopted a very exaggerated estimate of the matter when he said the Bill would be lost by the adjournment of the debate. None of them desired that the Bill should be lost; that would be a great calamity. But he was sure the right hon. Gentleman had exaggerated the danger. If the Government did not agree to what was asked, the landlords, undoubtedly, could if they pleased—he did not say they would, but a good many of them were pleasing at the present moment—in many cases, probably in thousands of cases, where the tenants were *bond fide* unable to pay their rent, ride a coach-and-four through this Bill, against the tenant whose interest was designedly so guarded by the 12th clause. Under these circumstances, were the Irish Members not justified, where an Amendment was introduced at the last moment into this saving clause upon which the interests of thousands of tenants were imperilled, and thousands might fail to get the benefit of the Bill—were they not justified in all fairness in asking that some further time should be given for the Prime Minister to consider the Amendment?

MR. T. P. O'CONNOR confessed that he would not proceed any further in hostility to this Bill, if the Chief Secretary's statement that it would be imperilled by another day's delay was well-founded; but the right hon. Gentleman had not given any reasons for the statement. He believed "another place" was supposed to be still sitting; but it was now 20 minutes to 3, and he thought it would be better to send the Members of "another place" home—

MR. SPEAKER: I must call upon the hon. Member to address himself to the House and to the Question.

MR. T. P. O'CONNOR said, he was endeavouring to show the relation between the present stage of this Bill and "another place," upon which the right hon. Gentleman founded his argument

It was a very small question in proportion to the size of the Bill; but it could not be called a small question, though it might appear so to persons ignorant of Ireland, that a provision should be passed which injuriously affected hundreds of thousands of people. To those people this was a question of life and death, and the Irish Members, as their Representatives, were bound to defend their interests persistently as long as they could. The point at issue between the Government and the Irish Members was this—the Irish Members wanted to have another day for the consideration of the Bill, but the Government refused to give a day, on the ground that it might imperil the passing of the measure. Why did they refuse to allow one day more for the discussion of a Bill which seriously affected the fate of 100,000 tenants? He had certainly failed to hear a single argument from the right hon. and learned Attorney General which was an effective reply to the speech of his hon. Friend the Member for Sunderland (Mr. Storey). The Government admitted that the tenant right might be destroyed by rack-renting, and they gave power to the tenant to go into Court in order to get rid of such rack rents. It was admitted that the tenant right in many districts, owing to the pressure of the times, had been brought down to zero. But in the face of the fact that the tenant right had been nearly destroyed by the existing distress, and that the farms were rack-rented, it was desired to force the tenant into the market with a tenant right that was unsaleable. When the Solicitor General for Ireland first heard of this Amendment, nothing could exceed the eulogium he passed upon it. The hon. and learned Gentleman declared that if some such provision were not passed the tenants would not start fair. That was the real question—whether the tenant was to start fair, or whether the landlords were to have an opportunity of making a clearance of a large number of them? He had sat up in that House all night for the sole purpose of obtaining from the Government another day for the discussion of a question which was really not of first-rate importance, and he had seen the Business of the country obstructed hour after hour on account of some petty dispute between the Treasury Bench and the Front Op-

position Bench. Yet the Irish Members were blamed because they proposed to do the same thing in the interests of 100,000 tenants of Ireland who were demanding this concession. If they wished to discredit their Government, and to increase the suspicion with which it was regarded by a large section of the people in Ireland, they could not accomplish that object better than by the stubborn, surly, and impassioned opposition they were giving to this proposal.

MR. JUSTIN M'CARTHY said, he was not one of those who wanted to delay the progress of the Bill. He thought he had given a proof of his sincerity in that respect in having refrained from taking part in these discussions except on a very few occasions, and then in the briefest manner. His wish and desire were that the Bill should pass, and in the speediest manner possible. He should feel inclined to refrain from saying anything now, if it were not that he wanted to have it explained to the House by some other Member than the Chief Secretary for Ireland how the delay of another day in the consideration of the Bill must endanger its passing. Let them draw the reason from its mysterious darkness, and know what it was in clear and explicit terms. Was it supposed that some other body of persons—a body co-equal in every respect in the Legislature with the House of Commons—was it supposed that they would not remain one day longer in order to pass this great measure, and that if it were delayed for another 12 hours, out of petulance, they would say—"You have kept us so long, and we are so weary, that we will not pass your Bill at all." If the threat of the right hon. Gentleman did not mean this, what did it mean? What was the mysterious and fatal influence which was to be brought to bear in throwing out the Bill if the discussion of it were delayed for 12 hours longer? He doubted whether there could be any real danger of the kind; but, if there were, he would say—"Let the Bill go back to the Lords, even with the remarkable defects which have been so lately and so suddenly introduced into it."

MR. BIGGAR said, that in the interest of the Government themselves he would support the Motion for the adjournment of the debate. They must know that the practical effect of the

non-consideration of this Amendment would be that the Bill would pass with this limit of three months in it, and it would give full power to the grasping and tyrannical landlords of Ireland to enforce ejectments, to sell the interests of their tenants, and to raise a fresh crop of disorder in Ireland. Moreover, the Bill, when it became law, would be thoroughly discredited at the very commencement. He was convinced that Her Majesty's Government did not wish the Bill to be considered a failure within six months of its having been passed into law. They would probably desire that the Bill at least should have the appearance of success. They would hardly wish that a new Act should be required next year to amend the Land Law of Ireland; but their hope was that the present measure would last, at any rate, during the lifetime of the present Parliament. The practical effect of passing the Bill in its present shape, without the Prime Minister having an opportunity of considering this Amendment, must be that in the nature of things it would be a total failure. It was beyond the bounds of possibility that a revision of a large portion of the rents in Ireland could take place within three months. It could not be done, and the inevitable result would be the total failure of the measure. All that the Irish Members asked was that the Prime Minister, who was unfortunately absent, should have an opportunity of considering the Amendment of his hon. Friend the Member for the City of Cork (Mr. Parnell). They did not blame the right hon. Gentlemen on the Treasury Bench for refusing to accept an Amendment which the Prime Minister had not seen. They were probably justified in refusing to alter the clause in accordance with the wish of the Irish Members, because it might turn out that the Prime Minister would offer opposition to the Amendment; but as yet the right hon. Gentleman had had no opportunity of seeing the Amendment, and if the Irish Members were able to lay reasons in favour of the proposal before the right hon. Gentleman, there was no ground for assuming that the right hon. Gentleman might not to-morrow accept the Amendment which the hon. Member for the City of Cork had proposed. He could say this in behalf of his hon. Friends, that they would not to-morrow discuss the Amendment at any consider-

able length. What they were anxious to say in support of the proposal would, in point of fact, be stated by one or two hon. Members only, and the Prime Minister would then be left to form his own opinion of the Amendment from the facts laid before him. It was arbitrary and unreasonable on the part of the Friends of the Prime Minister to attempt to deprive the right hon. Gentleman of the opportunity of hearing the views of the Irish Members, and thus run the risk of marring the Bill. Although he (Mr. Biggar) entertained only a moderate opinion as to the importance and value of the Bill as a whole he should like to see it made as perfect as possible. He believed that the clause as it stood was of so mischievous a character that it was for the interest and credit of the Government, and also for the interest of the Irish farmers, that all parties should now agree to the adjournment of the debate, and give the Prime Minister an opportunity of coming to a decision upon the Amendment of the hon. Member for the City of Cork.

THE SOLICITOR GENERAL (Sir FARRER HERSHELL) said, the hon. Member for Cavan (Mr. Biggar) stated that the Prime Minister had not duly considered the Amendment. Now, the suggestion embodied in the Amendment was made by the hon. Member for the City of Cork (Mr. Parnell) some time ago, and it was duly considered by the Prime Minister and discussed by those about him. The right hon. Gentleman had, therefore, fully considered the subject, and had made up his mind upon it. Hon. Members opposite would remember that the right hon. Gentleman had devoted an enormous amount of time and attention to this Bill. He was sure, however, that nothing could be more trying to the right hon. Gentleman than to find that the effect of his going away at the time he did—namely, 2 o'clock in the morning—to take necessary repose, had been to bring about an adjournment of the debate, and to delay the progress of the Bill for another day. He would, therefore, appeal to hon. Members opposite not to persist in the Motion for adjournment. The facts all lay in a small compass, and were already fully before the House. Nothing new could be added, and he would appeal to hon. Members to allow the consideration of the measure to be brought to a close.

[Third Night.]

MR. A. M. SULLIVAN said, it might be likely enough that the decision of the Government was irrevocably made; but he had foreseen what the sagacious and far-seeing Member for the University of Dublin (Mr. Gibson) was at. The object of the right hon. and learned Member had been in the most "Jesuitical" manner—he used the phrase, notwithstanding that it was one which was directed against the religion he professed—to cut down the gift and concession which the Government had given in the clause. He failed to see why the same course should not have been followed in regard to this clause as had been followed in reference to Clause 12. The simple result of the Bill, as it now stood, was if the landlord proceeded against his tenant by way of ejectment he was unable to complete his designs within any specified time, whereas if he proceeded by way of *fi fa* he could do so in three months. The Government admitted that that was so, and because there might be other creditors the landlord was allowed under this clause to do what the Bill attempted to prevent under Clause 12. For his own part, he would be exceedingly pained indeed if it were thought possible that he desired to cast any reflection upon the Prime Minister for having left the House in order to obtain the repose of which he stood in need. He would not use the phrase employed by another hon. Member, that the right hon. Gentleman had "gone to his rest." He hoped that long and distant might be the day when the right hon. Gentleman would "go to his rest;" and, disassociating himself from anything that might have the appearance of obstructing the progress of the Bill, he (Mr. Sullivan) did hope that the Government would consent to adjourn the debate in order that there might be an opportunity of obtaining the views of the Prime Minister upon the Amendment.

MR. REDMOND said, he was quite sure that no Member on those Benches would deny the truth of the remarks of the hon. and learned Solicitor General (Sir Farrar Herschell) with regard to the Prime Minister. Everyone was prepared to admit that in the prolonged discussion which the Bill had undergone the Prime Minister had devoted immense ability and untiring industry to the consideration of the Bill, which entitled him

to the respect of every Member of the House. Having said so much, he could only express his regret that any course of action the Irish Members could possibly take up was likely to be the means of creating annoyance or a feeling of regret in the mind of the right hon. Gentleman. But they were not to be governed in their action by any fear that the Prime Minister might to-morrow regret to find that the debate had been adjourned. They had seen reason to enter a strong protest against an Amendment which they believed would, to a large extent, destroy the value of the Bill, and accordingly they moved an Amendment of their own. The right hon. Gentleman the Chief Secretary for Ireland told them that the passing of this Amendment might imperil the passing of the Bill. Now, he believed that the real fate of the Bill depended on the reception it would meet with in Ireland, and in that sense he believed that its fate, if endangered at all, would be endangered by the Amendments which at the last moment had been inserted in the measure. It was a matter of grave and serious importance, because it was a matter that affected every tenant in Ireland who owed rent to his landlord. In point of fact, it placed hundreds and thousands of men at the disposal of their landlords, and the Irish Members would be failing in their duty to those who sent them as their Representatives in Parliament if they did not enter the strongest protest against such a course. He thought they would not only be justified in protesting against the proposal, but that they would be amply justified in using all the Forms of the House in order to insist on the adjournment of the debate, or, failing them, to insist on the debate going on until the Prime Minister could come back to take part in the discussion. He was not making these observations in the sense of a menace; and, whether that course were adopted or not, the Irish Members would be justified in protesting in the most emphatic terms against the treachery with which they had been treated by the Government. This course was absolutely necessary in order to show those whose interests they represented that they had not been unmindful of their duty. It would also show to the Irish people that Irish Members who sat on the Benches opposite, and who professed

so much regard for the interests of the Irish people when Irish votes were required at the last Election had, nevertheless, deserted the Irish people and supported Her Majesty's Government in a course which he (Mr. Redmond) believed to be not only unjust but treacherous. He hoped the hon. Member for the City of Cork would go to a division, and if it was deemed desirable by his Colleagues to emphasise their protest by taking any other course they would receive his hearty support.

MR. DAWSON strongly supported the Motion for adjourning the debate. He denied that the Amendment of his hon. Friend the Member for the City of Cork (Mr. Parnell) would impair the effect of the clause. On the contrary, it would simply restore that which, as the clause stood at present, was taken away from the tenants. They had asked that the debate should be adjourned; but, in answer, the Chief Secretary for Ireland had used arguments which were only fit for children, and not for a deliberate Assembly. The right hon. Gentleman told them that the Bill could not pass if it were delayed, and a terrible calamity would happen if it were not passed. He was as anxious that the Bill should pass as the right hon. Gentleman himself; but they considered they were only discharging their duty in the course they were pursuing, and they would not desist unless it was shown that by their course of action they were endangering the Bill.

MR. O'KELLY considered it would be well to adjourn until the Head of the Government could return to his place. No satisfactory answer had been made to the objections which had been advanced from the Irish Benches. The ground on which the Government had taken their stand was the benefit of ordinary creditors, as distinguished from the landlord; but it had been pointed out by many hon. Gentleman that ordinary creditors had no interest in fixing a sale of the tenant's interest, because if they did that they would lose their own property. If they sold the interest of the tenant before the judicial rent was fixed, they must sell the property out of which they hoped to get what was due to them. The creditors other than the landlord could have no possible interest in selling the tenant's interest; but the Government were trying to supply the

landlord with a cheap method of getting possession of the tenant's property, under the impression that, in so doing, they were taking care of the interests of the general creditors.

Question put.

The House *divided*:—Ayes 24; Noes 168: Majority 144.—(Div. List, No. 382.)

Original Question proposed, "That those words be there inserted."

MR. HEALY said, his hon. Friends felt so keenly on this question that a large number of them considered they ought to insist upon an adjournment. He had not addressed the House on this subject up to the present, and he was bound to express the opinion that the Government were behaving exceedingly badly, and that their Bill would be damaged very considerably by the acceptance of their proposed Amendment. Irish Members had an undoubted right to complain when they found the Government proposing an Amendment which they knew must be vicious in its operation. Rather than see the Amendment accepted he would like the clause to be struck out of the Bill. That would please their Lordships, and it would please him and his hon. Friends. The tenant would have a better chance without the Amendment than with it; and if their Lordships disagreed with the Amendment as amended, he should certainly not grieve. The clause had lost all its salt; but, strongly as they felt in the matter, he did not see what they could hope to get by continuing the discussion, considering that the Government had broken the spirit of the promise which was conveyed in the original Amendment, and that the Prime Minister had left for his necessary rest. It was a very melancholy thing to walk in the Lobby, and see the House of Lords in full blow, and nobody in it. It was a spectacle which might even be of some interest to the hon. Member for Galway (Mr. T. P. O'Connor), who, last year, gave Notice of a Motion to abolish the Upper House altogether. He would really appeal to the Government whether the clause was worth retaining at all? They had far better have the thing struck out altogether; but do not let the Lords do it. They had done enough already. It would be far more honest on the part

of the Government to strike the clause out altogether; let them tell the House that they would do it.

MR. MACARTNEY said, he had been surprised to see the course his countrymen had taken on this occasion. For four months they had been discussing this Bill. It was a measure of the first magnitude, and he believed if it passed it would be the wonder of the world. It had been asserted—and it had been said here to-night—that the landlords of Ireland resembled beasts of prey, prowling about to find victims for their oppression and cruelty. The Irish tenants, if the Bill passed, would have four courses before them. They would, first of all, be able to abide by the old system of entering into an agreement with the landlord; if they did not like that they could avail themselves of the Act of 1870; if that did not please them they could avail themselves of the advantages of the provisions of this Bill; and lastly, if they were dissatisfied with the other three courses, they could take the hint given them to-night, and shoot either the landlord, the agent, or the bailiff. It these were not a sufficient choice of methods of carrying out their views, he did not know what could be said for them. [“Question!”] The question was whether this Bill was not enough to satisfy any reasonable man? He contended that it was; and now, at the last moment, those who professed to be the most anxious to see the Bill carried out, opposed it in the most strenuous manner.

MR. T. P. O'CONNOR said, that if his hon. Friends did not persist in this opposition some hours yet it was contrary to his expectation. He should have done so had he not been positively forbidden by the Leader of the Party to which he belonged. He trusted that it would go forth that at least a few of the Irish Members were determined to mark their sense of the treacherous action of Her Majesty's Government in this proposal. He saw in his place the right hon. Gentleman the Home Secretary (Sir William Harcourt). It was not many weeks ago since he (Mr. T. P. O'Connor), at about the same hour as the present, had endeavoured to help the right hon. Gentleman against the opposition of a small party of 11 or 12 Scotch and English Members, who were engaged in opposing the passing of a

Bill relating to Poor Removals, or something of that kind. He really did not know the name of the Bill, though he had voted on it. These 11 or 12 Members did not hesitate to divide, and divide again and again, lest the Bill, the principle of which they accepted, but the amendment of which they demanded, should be pushed through the House at an unreasonable hour in the morning. And yet, here was an Amendment which placed at the mercy of the meal-man, and the retail grocer, and the landlord, thousands of the tenants of Ireland, and the Irish Members had not grit enough to stay in the House any longer for the sake of protesting against the conduct of the Government. He wished the protest to continue, not because he hoped to succeed, but because he wanted to improve his position—[“Hear, hear!”]—he meant his moral position—[*Laughter.*]—he was very delighted to find that he was possessed of such a fund of humour as to be able to set the House in a roar at half past 3 o'clock in the morning. He wished to improve his moral position. Why, when the Bill came into operation, and the Amendment was put in force, and was attended with the bad results that his Friends and he prophesied for it, how much better would be their position with the Government if they were able to say that they (the Government) had carried this Amendment in spite of the vigorous and prolonged protest against it of the Irish Members? As to the Amendment itself, when the right hon. Gentleman the Prime Minister was last year bringing in his Disturbance Bill, one of the aptest and most convincing illustrations he brought forward in favour of the measure was taken from a letter of his friend Mr. Tuke. That gentleman had stated that in the North-West, West, and South of Ireland, where he had travelled amongst the people, he had found them in such a position that the tenant right for which they had given in some cases £40, and £50, and £60, a few years ago, was not worth a penny, owing to the depression of the times. There was not a cabin in Donegal—[“Question!”]—well, he (Mr. T. P. O'Connor) pitied the intelligences, and he pitied the information of hon. Gentlemen who did not see the relevancy of what he was saying to the Amendment before the House. Mr. Tuke visited several of the cabins in

Mr. Healy

Donegal, and there he found poor men who had had a considerable amount of stock two or three years ago—a horse or two, two or three cows, some pigs, and a yard well stocked with fowl—

MR. SPEAKER: I must call on the hon. Member to address himself to the Amendment before the House. The Amendment before the House is that of the hon. Member for the City of Cork; and the hon. Member is not speaking to that.

MR. T. P. O'CONNOR said, he was sorry he had not been able to make the connection between his remarks and the Amendment clear to the House and to Mr. Speaker. The object of the Amendment, as he understood it, was to give the Court the right of conferring on the tenant a larger amount of time than three months against the sale of his tenant right; and he (Mr. T. P. O'Connor) was endeavouring to show the justice of that proposal by pointing out that the tenant right, if sold now, in many cases would be utterly worthless, and that, therefore, it was necessary, in the interest of the tenant, that sometime should be allowed him before the sale of his tenant right. In the case of many people in Donegal, Galway, and Mayo, they would simply be giving them Dead Sea fruit in giving this permission to sell their tenant right. When they were discussing the 5th clause of the Bill, which dealt with compensation for disturbance, the noble Lord the Member for Calne (Lord Edmond Fitzmaurice) got up in his place and proposed an Amendment, and someone defended the proposal of the Government on the ground that it was based on the fact that in many parts of Ireland the value of the tenant right had been reduced to zero. The Prime Minister declared that this view was in consonance with his own; therefore, according to the admission of the Government, the tenant right had been reduced to zero. And yet they would not allow the tenant time to get a fair value for his tenant right. The Under Secretary of State for the Colonies said something which he could not catch. Did the hon. Member pretend to say that this was not so? The hon. Member and his Friends should stand up in their places and say what they thought, and not indulge in unintelligible muttering. Let them take up the Evidence of the Bessborough Com-

mission. They would find witnesses all over the country going up and saying—"I am owed £8,000 or £10,000." In some cases the mealmonger went up with that statement, declaring that he was owed £10,000 for meal—that was to say, for the first necessary of life. The people were obliged to have the meal or starve. This mealmonger, unless this Amendment were accepted, would be put in the position of being compelled to drive the tenants to sell an unsaleable tenant right to get his money for his meal. Unless the Amendment were accepted, it would not be a message of peace, but a message of war they would be sending to the Irish people—it would be a message to tell them that they would be turned out of their homes, and that the only refuge upon which they could rely was their own organization, which was independent of the Land Bill, the Government, or the English Parliament.

MR. O'DONNELL rose to address the House.

MR. SPEAKER: The hon. Member has already spoken.

MR. O'DONNELL: I only spoke on the question of adjournment.

MR. SPEAKER: I think the hon. Member is mistaken.

Original Question put, "That those words be there inserted."

The House divided:—Ayes 38; Noes 143: Majority 105.—(Div. List, No. 383.)

Other Amendments made to the words so restored.

Motion made, and Question proposed,

"That a Committee be appointed 'to draw up Reasons to be assigned to The Lords for disagreeing to the Amendments made by The Lords to the Bill:—Mr. GLADSTONE, Mr. WILLIAM EDWARD FORSTER, Mr. ATTORNEY GENERAL for IRELAND, Mr. DODSON, Mr. LEFEVRE, Mr. SOLICITOR GENERAL, and Mr. SOLICITOR GENERAL for IRELAND:—Three to be the quorum."

MR. T. P. O'CONNOR wished, if he was in Order, to move an addition to the proposed names; or, if he could not do that, to move to omit one Member in order to insert the name of Mr. Parnell.

MR. SPEAKER: The proceeding is altogether formal. At the same time, the hon. Member is not in Order in proposing to add to the names, because I have already passed beyond that, hav-

ing put the Question that three be a quorum.

MR. PARNELL: In any case, Mr. Speaker, I should refuse to serve.

Motion agreed to; Committee appointed:
To withdraw immediately.

REASONS FOR DISAGREEING TO CERTAIN
OF THE AMENDMENTS MADE BY THE
LORDS TO THE LAND LAW (IRELAND)
BILL.

The Commons disagree to the Amendments
n page 1, lines 26 and 28, for the following
Reason:

Because the failure to give the notice as
prescribed may be accidental, and in no
way prejudice the landlord, and it would
be unjust to enable the landlord in such
a case to require the court to declare the
sale void.

The Commons disagree to the Amendment
in page 2, line 16:

Because the insertion of these words is
unnecessary.

The Commons disagree to the Amendments
in page 2, lines 28 and 34, for the following
Reasons:

- (1.) Because the landlord has got value for
his purchase in the increased rent which
he must be assumed to have charged for
the holding, or which in any case he may
fairly charge in respect of the improve-
ments, &c. thus acquired by him.
- (2.) Because the tenant, out of whose pur-
chase money the landlord would be re-
imbursed what he is supposed to have
paid the previous tenant, received no
benefit for and was in no way party to
the transaction, and is as much entitled
to retain his purchase money (which may
represent little more than the value of
improvements made by himself) as any
other tenant who sells his tenancy.

The Commons disagree to the Amendment
in page 4, line 26, for the following Reason:

Because it is unnecessary, the object being
already provided for in the first clause of
the Bill.

The Commons disagree to the Amendment in
page 5, line 10, for the following Reasons:

- (1.) Because it is desirable to define with
precision the "persistent waste" which
is to be a breach of the statutory condi-
tion.
- (2.) Because it would be unjust to allow a
landlord who, whilst the tenant is com-
mitting "waste," knowingly stands by
without objecting to it, afterwards to
insist on it as a breach of the statutory
conditions, and proceed to compel the
tenant to quit his holding accordingly.
- (3.) Because the landlord will still retain
all his other remedies for preventing any
act of waste, and for recovering damages
for it, if committed.

The Commons disagree to the Amendment in
page 6, line 32, for the following Reason:

Because as such a tenant cannot register,

Mr. Speaker

and therefore cannot lawfully cut or
remove any timber, though planted by
himself or his predecessors, the addition
of the Amendment nullifies the excep-
tion.

The Commons disagree to the Amendment in
page 6, line 34, for the following Reason:

Because the language of the Bill better
describes the right to which the tenant
is entitled by Statute (in affirmation of
the common law in that respect).

The Commons disagree to the Amendment in
page 6, lines 38 and 41, for the following
Reasons:

- (1.) Because the definition in the Statute
referred to is objectionable, as including
some and excluding other subjects of
sport which ought not to be so included
and excluded respectively.
- (2.) Because it is desirable that the Statute
should state expressly, and not by refer-
ence to another Statute, what subjects of
sport are exclusively reserved to the
landlord.

The Commons disagree to the Amendment in
page 6, line 1, for the following Reason:

Because it would be unreasonable to make
a trifling act of obstruction the breach of
a statutory condition.

The Commons disagree to the Amendment
in page 6, lines 3 and 4, for the following
Reasons:

- (1.) Because it is entirely superfluous; the
landlord's property in the mines and other
things there specified being wholly un-
affected by the Bill.
- (2.) Because the Amendment, in several
respects, contradicts the previous part of
the clause, and would prejudice the rights
thereby secured to or recognised as vested
in the tenant.
- (3.) Because the Amendment, by providing
that mines, &c. shall be deemed to be
reserved to the landlord "during the
continuance of a statutory term," would
suggest doubts as to the landlord's prop-
erty in them in cases where there was
no such term.

The Commons disagree to the Amendment in
page 6, line 8, for the following Reason:

Because the words are necessary for ex-
plaining the reference thereto in Clause 7.

The Commons disagree to the Amendments
in page 6, lines 27 and 37, for the following
Reason:

Because the existing provisions as to com-
pensation for disturbance have been found
to be insufficient.

The Commons disagree to the Amendment in
page 8, line 15, for the following Reason:

Because the landlord can enforce an increase
of rent without going to the court, and
it is desirable that the tenant should
have an opportunity of accepting the
proposed increase, and thus getting a
statutory term without the intervention
of the court.

The Commons disagree to the Amendment in
page 8, line 20, for the following Reason:

Because the words omitted recognise alike
the rights of both landlord and tenant,

and it is expedient to retain them as assuring the Irish tenant that his just interests will be respected.

The Commons disagree to the Amendment in page 8, line 23, for the following Reasons:

(1.) Because its object is fully provided by Clause 8 (Equities Clause).

(2.) Because it would be manifestly unjust that the tenant's application to fix a fair rent for his holding should be refused because one of his predecessors had committed some act of waste long since repaired.

The Commons disagree to the Amendment in page 8, line 35, for the following Reason:

Because it is desirable that the tenant should feel assured that during the first statutory term obtained through the court after the passing of the Act, he cannot be dispossessed except for breach of duty or for some public purpose; but the Commons propose to insert words excluding from this provision the case of present tenancies arising at the expiration of judicial leases and current leases respectively.

The Commons disagree to the Amendment in page 9, line 14, for the following Reason:

Because it is expedient to leave the matter to the judgment of the court, as there may be some cases in which the conduct of the landlord may have been such as to make it inequitable to refuse the tenant's application for a judicial rent.

The Commons disagree to the Amendment in page 9, line 39, for the following Reason:

Because by making the provision prospective, and only applicable to the second and subsequent revisions of rent, it suggests doubts as to whether the tenant's improvements may not be charged for in the first determination of fair rent; but the Commons propose to amend the words so reinstated, and as a consequential Amendment to add words to subsection 8 which will have the effect of securing the landlord against having his rent reduced in respect of improvements for which the tenant is no longer entitled to credit.

The Commons disagree to the Amendment in page 9, line 42, for the following Reason:

Because there are many cases in which the money so paid by the incoming tenant ought to be considered in determining what is a fair rent; for example in Ulster, where such payments may represent the real value of the tenant-right, or in other parts of Ireland where it may to a great extent, if not exclusively, represent the value of improvements thus purchased from his predecessor, and to credit for which the tenant is fairly entitled in any such inquiry.

The Commons disagree to the Amendment in page 11, line 12, for the Reason given for disagreeing to the Amendment in page 8, lines 20 and 21.

The Commons disagree to the Amendments in page 13, lines 31, 32, and 34, respectively, for the following Reason:

Because it would exclude from the benefit of the Act the occupying tenants of a

meane landlord holding by a terminable lease, which, being made without any restriction on the common law right of sub-letting, must be regarded as authorising the creation of the sub tenancies in question.

The Commons disagree to the Amendment in page 14, line 13, for the following Reason:

Because it would prevent the building of any labourers' cottages, even with the sanction of the court, unless the tenant's holding contained the full extent of tillage land specified, and it is expedient to leave some discretion to the court in this matter.

The Commons disagree to the Amendment in page 15, line 15, subsection 3, for the following Reason:

Because it is expedient to provide that for some time after the passing of the Act the right of pre-emption shall not be used to defeat the object of the Act by extinguishing present tenancies with the view of creating future tenancies in their stead.

The Commons disagree to the Amendment in page 16, lines 9 to 14, for the following Reason:

Because leases in Ireland are regarded by both landlord and tenant as little more than a fixing of the rent for the specified period, and restoration of the holding to the landlord at their expiration is not originally contemplated by either party; but the Commons propose to amend the words so reinstated in the Bill by inserting words excluding cases where reversionary leases have been already granted, and also providing for "resumption" as under the fifth clause of the Bill, if the landlord requires the holding for his own occupation.

The Commons disagree to the Amendment in page 16, lines 24 to 36, for the following Reason:

Because it is alleged that since the passing of the Landlord and Tenant (Ireland) Act, 1870, leases containing unfair terms and provisions contrary to the meaning and spirit of that Act have been unfairly forced upon the tenants, and it is expedient that provision should be made to enable the court to set aside leases executed under such circumstances.

The Commons disagree to the Amendment in page 19, line 12, for the following Reason:

Because there may be on an estate a great number of small tenants who would be unable to purchase their holdings, which would thus be left on the hands of the Commissioners, whilst two-thirds of the whole rent might be payable by a few large tenants; but the Commons propose by a consequential Amendment to the Bill to provide that, under certain special circumstances, the rule requiring that three-fourths of the whole number of tenants shall be able and willing to purchase may be relaxed.

The Commons disagree to the Amendment in page 25, line 14, for the following Reason:

Because these subsections are required to

ensure the proper administration of the public moneys placed at the disposal of the Commission.

The Commons disagree to the Amendments in page 31, lines 1 and 7, for the following Reason:

Because an appeal on any question of law is already provided for; and it is not expedient to permit an appeal on other questions, such as the amount of fair rent, the value of a holding, or the amount of damages awarded for breach of a statutory condition, or any matter left in the discretion of the court.

The Commons disagree to the Amendment in page 37, line 31, for the following Reason:

Because it is expedient to postpone for a short time the creation of future tenancies.

The Commons disagree to the Amendment in page 39, lines 22 to 30, for the following Reason:

Because it is expedient to provide that where a tenant is seeking to obtain a reduction of rent and statutory term through the intervention of the court, the sale of his tenancy at the suit of a creditor may, under special circumstances, be stayed for a short time, so that the true value of his tenancy may be realized; but the Commons propose to amend the words so reinstated by limiting the time for which the court can stay the process.

Reasons for disagreement to The Lords Amendments *reported*, and *agreed to*:—To be communicated to The Lords.

SOLENT NAVIGATION [EXPENSES].

Considered in Committee.

(In the Committee.)

MR. ARTHUR O'CONNOR complained of the arrangement of the Order Paper, pointing out that the Highways and Locomotives Act Amendment Bill and the Presumption of Life (Scotland) Bill had been omitted from the Order Paper yesterday. On some occasions this sort of thing might be very important, and he thought the Standing Order should be carefully observed in this respect. It might be a serious matter to a Member to have his Bill misplaced.

MR. SPEAKER: The hon. Member is quite mistaken. Bills have not been misplaced.

Resolved, That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of Expenses which may become payable by the Admiralty under the provisions of any Act of the present Session to make provision with respect to the Navigation of the Solent between the Isle of Wight and the Mainland, in the county of Hants.

Resolution to be reported *To-morrow*.

NAVY AND ARMY EXPENDITURE, 1879-80.

Committee to consider the Savings and Deficiencies upon the Grants for Navy and Army Services in the year ending on the 31st day of March 1880, and the temporary sanction obtained from the Treasury by the Navy and Army Departments to Expenditure not provided for in the Grants for that year, upon *Saturday*.

Appropriation Accounts for the Navy and Army Departments, which were presented upon the 7th day of February last referred to the Committee.

House adjourned at a quarter after
Four o'clock in the morning.

HOUSE OF LORDS.

Friday, 12th August, 1881.

MINUTES.]—SELECT COMMITTEE—*Report*—*Irish Jury Laws* *.

PUBLIC BILLS.—*First Reading*—Indian Loan of 1879 * (212).

Report—Erne Lough and River * (206).

Report—*Third Reading*—Ecclesiastical Courts Regulation (198), *now Discharge* of Contumacious Prisoners * (198), and *passed*.

Third Reading—Metropolitan Board of Works (Money) * (186); Superannuation (Post Office and Works) * (203); Central Criminal Court (Prisons) * (162); Leases for Schools (Ireland) * (188); Corrupt Practices (Suspension of Elections) * (208), and *passed*.

BUSINESS OF THE HOUSE.

Ordered, That for the remainder of the Session the Bills which are entered for consideration on the Minutes of the day shall have the same precedence which Bills have on Tuesdays and Thursdays.—(*The Earl of Redesdale*.)

DISCHARGE OF CONTUMACIOUS PRISONERS BILL.—(No. 198).—Formerly ECCLESIASTICAL COURTS REGULATION BILL.

(*The Earl Beauchamp*.)

CONSIDERATION. THIRD READING.

Amendments *reported* (according to order); further amendments made. Then Standing Order No. XXXV. *considered* (according to order), and *dispensed with*.

Moved, "That the Bill be now read 3^d."
—(*The Earl Beauchamp*.)

THE BISHOP OF LONDON said, he would take that opportunity of congratulating

lating the noble Earl (Earl Beauchamp) upon having carried the measure to a successful issue. He trusted that during the Recess the noble Earl would consider the desirability of extending the application of the principles of the measure, so as to prevent the necessity of sending clergymen to prison for offences similar to those committed by Mr. Green.

Motion agreed to.

Bill read 3^d accordingly, and *passed*, and sent to the Commons.

CONVEYANCING AND LAW OF PROPERTY BILL.

CONSIDERATION OF COMMONS AMENDMENTS.

Commons Amendments *considered* (according to order).

EARL CAIRNS said, that a great number of Amendments had been made in the other House; and, so far as the verbal Amendments were concerned, he readily assented to them. But there were certain Amendments to the Bill which proposed to leave out certain important clauses, from the operation of which he and others expected the greatest possible benefit, and which would have reduced very much the expense of conveyancing, to the saving of money which, as it seemed to him, was needlessly thrown away. As matters stood, the House was exhibited as advocating changes that would lead to economy, and the House of Commons had retained the sources of expense. At any other period of the Session he should have asked their Lordships to consider the matter more fully and to disagree with the House of Commons in those Amendments; but, at present, looking at the time, and that there was other important legislation before the House, that course would imperil the Bill, and, as it appeared to him in other respects to be exceedingly valuable, he should be sorry that any accident should befall it. With this protest, he asked their Lordships to agree to the Commons' Amendments.

Moved, "That this House doth agree with The Commons in their Amendments to the said Bill."—(*The Earl Cairns.*)

Motion agreed to.

LAND LAW (IRELAND) BILL.

CONSIDERATION OF COMMONS AMENDMENTS TO LORDS AMENDMENTS.

Commons Amendments to Lords Amendments, and Commons consequential Amendments, and Reasons for disagreeing to certain of the Lords Amendments *considered* (according to order).

On the Motion of The LORD PRIVY SEAL, the following Amendments *disagreed to* by the Commons:—In page 1, line 26, leave out from ("court") to ("declare") in line 28, and insert ("shall"); and in line 28, after ("void") insert ("if the landlord shall so require")—*not insisted on*.

On the Lords Amendment in page 2, line 5, *amended* by the Commons as follows:—In line 5, leave out ("be compensated") and insert ("compensation"); in line 8, insert ("and substantially maintained," and after ("landlord") leave out the word ("or") and insert ("and"); and in line 9, insert ("made or acquired.")

Moved, "That this House doth agree to the Amendments made by the Commons in the said Amendment."—(*The Lord Privy Seal.*)

THE MARQUESS OF SALISBURY said, he did not know whether the noble Duke (the Duke of Argyll) wished to assume the paternity of his own child; but, if not, he (the Marquess of Salisbury) would do so. The Amendment which the Commons had proposed to this Proviso, and which might be shortly described as an English-managed estate Amendment, was to some extent based on a reasonable principle—that was to say, they had no desire that estates which had been once equipped by the landlord, and from that time had been entirely abandoned to the tenant, should be treated as English-managed estates, because that would not be a just representation of the system of management that prevailed in this country. On the other hand, the words "substantially maintained" went a good deal too far, and would tend to exclude from the benefit of the provision estates which really had been managed on the English system, but in which the tenant might have done certain incidental repairs, or in which he might have repaired some particular improvements. A tenant might

have constantly cleared out the end of a ditch—that was a permanent improvement; he had substantially attended to it, and not the landlord; and, therefore, that was no longer an English-managed estate and no longer to be excluded. If the Amendment of the Commons were adopted simply as it stood, the result would be that the provision to which their Lordships assented would become almost nugatory, and would, practically, not apply to the estates at which it was originally directed. He had therefore to move an Amendment which, at first sight, might not seem to be a large one, but which would, he thought, cover the distance between the view sustained by the Commons and that held by their Lordships. Instead of the words “substantially maintained” he proposed to insert “have been in the main upheld.” The difference between these two formulæ was this—“substantially maintained” would apply to each individual improvement. If one ditch was habitually maintained by the tenant under the words “substantially maintained,” the holding would no longer be an English-managed estate; but if they said that the generality of the improvements were to be maintained by the landlord, or, in other words, were to be “in the main upheld,” they established this principle—that where the majority of the improvements were sustained by the landlord it would be an English-managed estate, and excluded from the provisions of the clause. That corresponded exactly with the practical state of things on these English-managed estates. He moved that the Commons’ Amendment be amended by omitting the words “and substantially maintained,” and substituting “have in the main been upheld.”

Moved, To leave out the words (“and substantially maintained.”) and insert the words (“have in the main been upheld.”)—(*The Marquess of Salisbury.*)

On question, “That the words proposed to be left out stand part of the Bill?”

THE DUKE OF ARGYLL said, that as he was responsible for the original proposal—indeed, he had no difficulty in assuming its paternity—he wished to say that the action of the other House with respect to it had convinced him that that House and the Government were pre-

pared to consider the question fairly and candidly. Though he believed the original Amendment to be consistent with justice and common sense, he was bound to own that there were many persons who had a strong objection to it—on what ground he did not know, unless it were that they positively disliked to see landlords undertake the duty of managing their estates and the duty of making improvements. All except those who held that view acknowledged the Amendment to be a reasonable one. With respect to the words of the Amendment of the noble Marquess (the Marquess of Salisbury), he was bound to say he could not see the distinction between the words “substantially maintained” and “in the main upheld.” He did not know what might be the judicial interpretation of the words “substantially maintained;” but he apprehended, on the other hand, that nobody could anticipate what might be the judicial interpretation of the words “in the main upheld.” When he asked his noble Friend the Secretary of State for the Colonies whether the words “substantially maintained” were intended to make the Amendment more strict or more loose, his noble Friend told him plainly that they were intended to make it less strict. He did not think, however, that the noble Marquess had given a fair example of a permanent improvement when he mentioned the clearing out of a ditch, because a ditch was a temporary and not a permanent improvement. What he (the Duke of Argyll) meant by permanent improvements were buildings, fences, and the main drainage of farms—that was what was called permanent improvements in England and Scotland. In his observations the noble Marquess referred to English-managed estates. But to that expression he (the Duke of Argyll) vehemently objected, because the Amendment referred, not to “estates,” but to “holdings” upon which the landlord had made all the permanent improvements. He had always maintained that it would be unfair to deprive a tenant of the benefit of his own improvements, because other tenants might have the improvements on their holdings made by the landlord. He earnestly trusted that the House would understand what he believed to be the immense difficulties surrounding this Amendment. Although the words “substan-

The Marquess of Salisbury

tially maintained," strictly interpreted, excluded certain holdings which, in his view, ought to be included, yet this great consequence would follow—that every landlord in Ireland would know for the future by the decision of the Court how he was to improve his holding, so as to take advantage of this clause. He placed the greatest value on the concession made by the Government and the House of Commons, and he was prepared to accept the words "substantially maintained" as inserted by the Commons.

THE MARQUESS OF SALISBURY said, that, instead of his former Amendment, he would move that the words "substantially maintained" be left out in order to insert after "made," "or acquired," and have in the main been upheld."

Motion (by leave of the House) withdrawn.

Moved, To leave out the words ("and substantially maintained") and insert the words ("or acquired.")—(*The Marquess of Salisbury.*)

On question, "That the words proposed to be left out stand part of the Bill?"

LOED CARLINGFORD said, that the noble Marquess (the Marquess of Salisbury) had altered the words of his Amendment, and, in doing so, seemed to have received a new light from some quarter with respect to the Bill. He did not know what the noble Marquess meant by "acquired."

THE MARQUESS OF SALISBURY said, that the words "or acquired" were inserted by the House of Commons a few lines further on in the same clause. The addition of the words in question would meet the case of a man who had bought his land and paid too much for it, and where the improvements had been acquired.

LOED CARLINGFORD said, that the intention of the Government in inserting the words "substantially maintained" was that where a landlord had, or should have for the future, really and *bona fide* equipped and maintained a farm under the English system, the power of sale should be taken away from the tenant. But, having made that concession, the Government desired to make it a genuine case, such as had

been contemplated throughout by his noble Friend the noble Duke (the Duke of Argyll). He was not, at a moment's notice, prepared to accept the words "or acquired;" in fact, he could not see their significance in that connection. He believed that the first words the noble Marquess had proposed—"in the main upheld"—had the same scope as the words now in the clause, and he was willing to accept them.

Resolved in the negative.

On question, "That the words ("or acquired") be there inserted?"

Their Lordships divided:—Contents 144; Not-Contents 69: Majority 75.

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Resolved in the affirmative.

Further Amendment made by inserting after the word ("acquired") the words ("and have been in the main upheld.")

On Commons Amendment to Lords Amendment, in line 9, to leave out "or" and insert "and."

THE MARQUESS OF SALISBURY invited the Government to give an explanation of it, as he could not understand how the landlord and his predecessor in title—say his grandfather—could have made an improvement conjointly, as the words required. He did not wish to quarrel with the grammar of Her Majesty's Government; but he must formally move the restoration of the word "or."

Moved, "That this House doth disagree with the Commons in the said Amendment."—(*The Marquess of Salisbury.*)

LORD CARLINGFORD explained that the objection to the word "or" was that, if it were used, then if one of the predecessors of the landlord had made and maintained any improvements—no matter how long back—the tenancy would be excluded from the full benefit of the Bill, although the improvements might never since have been maintained by the landlord. The whole idea of the Government was to preserve the continuity of the improvements.

THE MARQUESS OF SALISBURY said, the logical and grammatical blunder of the Government was not one into which it was likely the Court would fall; and, therefore, he must press the Motion.

On question? *disagreed to.*

Lords Amendment, in page 2, line 16, to insert ("or paid for"), to which the Commons have disagreed.

Moved, "That this House doth not insist on the said Amendment to which the Commons have disagreed."—(*The Lord Privy Seal*.)

THE MARQUESS OF SALISBURY asked for some intelligible reason for omitting the words. What was to happen in a case where the landlord had paid the tenant for the improvements he had made—was the landlord to have no value for improvements so made and paid for? If objection were taken to the insertion of the words at the place in question, he should insert them at some other place.

THE LORD CHANCELLOR explained that the word "made" met the case completely, because it comprehended all improvements effected by persons employed by the landlord, and who, of course, received payment for their labour.

On question? *resolved in the affirmative.*

Moved, In page 2, line 18, after ("title") to insert ("or have been paid for by the landlord or his predecessor in title."—(*The Marquess of Salisbury*.)

On question?

THE LORD CHANCELLOR objected to the Amendment, as it was perfectly clear that the landlord had made the improvements, if he had paid for them.

LORD LECONFIELD stated that the Amendment would give more security to the improving landlords, and maintained that it would affect his own improvements.

THE MARQUESS OF SALISBURY admitted that; but he considered the clause would be unsafe without the Amendment.

LORD CARLINGFORD refused to give way.

On the House being cleared for the division,

EARL GRANVILLE said, the Government would not give their Lordships the trouble of dividing.

Resolved in the affirmative.

Lords Amendment in page 2, line 28, to which the Commons have disagreed.

Moved, "That this House doth not insist on the said Amendment to which

the Commons have disagreed."—(*The Lord Privy Seal*.)

THE DUKE OF ARGYLL said, that, having moved it originally, he wished to say a few words on that Amendment, and he hoped he might be allowed to make a proposal with regard to it. He regretted it had not been agreed to, at least in a modified form, because he thought that the Bill as it stood did a wrong and an injustice for which this House ought to provide a remedy. He would simply read the clause of the Act of 1870 which provided for the purchase of the tenant right. It ran as follows:—

"Where a landlord has purchased or acquired, or shall hereafter purchase or acquire, the Ulster tenant right custom, such holding shall henceforth cease to be subject to the Ulster tenant right custom."

Many landlords might have been induced by that distinct guarantee on the part of the Legislature to free their holdings from the Ulster tenant right custom, and to expend considerable sums with that object. It might be said that the Bill did not subject these holdings to the Ulster Custom. This was literally and technically true; but it subjected them to the power of sale, which was the heart and soul of the Ulster Custom; and unless some provision were made to meet the case, there would be almost a breach of faith on the part of Parliament, for that money would be confiscated under the present Bill as it stood. The Amendment he had proposed, and which their Lordships adopted, was intended to obviate that hardship. The precise form of his Amendment was another matter. It was most desirable that that House should exhibit the virtue of promptitude in the transaction of Public Business; but he had some reason to complain of the haste with which the Bill had been passed through the Committee stage. Their Lordships had only had a few hours to consider the details of a most complicated measure, which underwent alteration, having been hacked about, and amended in every sort of way possible up to the last moment in the other House. Consequently, they had had little time to consider what would be the effect of particular words with regard to provisions of this kind. He was bound to admit that the House of Commons, in the Reasons they had given for disagree-

ing with his Amendment—namely, on the ground that cases of hardship might arise in which the occupying tenant, who was quite unconnected with the transaction between the former tenant and the landlord, might suffer—had hit a blot in the particular words he proposed to insert, for under them there would have been no possibility of the tenant selling the remainder of the tenant right, which might have been left to him after an increment of rent. It was also pointed out that by other parts of the Bill the object he had in view was provided for; but he still believed the Amendment to be necessary, though he was willing to put it in a modified form. The landlord, after buying the tenant right, might, no doubt, recoup himself by increment of rent; and, in that case, of course, there could be no question of repaying him for his outlay on the sale of the tenancy. He was not prepared, therefore, to insist on the particular words of his Amendment. If, however, the Government had wished to meet the case, they might easily have suggested, in “another place,” words which would have avoided the injustice that he desired to prevent. As they had not done so, he now moved to add, after the 1st paragraph of this 9th sub-section, these words—

“And where the holding is sold for the first time under the provisions of this Act, the landlord may apply to the Court to apportion to him such part, if any, of the purchase money as may seem to the Court to be just under all the circumstances of the case; and the Court may so apportion such part accordingly.”

He could not help thinking that his Amendment was really in accordance with the intentions of the Government. The words which he had suggested would give direction to the Court to consider the particular circumstances in reference to each case; and he could not help saying that unless Government adopted some such words there would be a positive breach of faith on the part of the Government to those individuals who had purchased the tenant right.

Moved, To insert, in lieu of the Amendment made by the Lords to which the Commons have disagreed, the following words:—

(“Where, before the passing of this Act, the landlord, or any of his predecessors in title, has purchased or acquired the Ulster tenant right custom, or the benefit of a usage corresponding

The Duke of Argyll

to the Ulster tenant right custom to which any holding was subject, and such holding has, in pursuance of section one or section two of the Landlord and Tenant (Ireland) Act, 1870, ceased to be subject to such custom or usage; and, where the holding is sold for the first time under the provisions of this Act, the landlord may apply to the court to apportion to him such part, if any, of the purchase money as may seem to the court to be just under all the circumstances of the case; and the court may so apportion such part accordingly.”)—(*The Duke of Argyll*.)

LORD WAVENEY, in supporting the Amendment, quoted from the letter of a gentleman of great experience the following account of the difficulties of landlords in the matter of tenant right:—

“I purchased several farms at prices varying from \$10 to \$15 per statute acre. In most cases, I threw down the houses and added the land to the adjoining farm. In case of the enlarged farm changing hands, which has taken place in more than one instance, I protect myself by allowing only the tenant's right of the original portion to be sold, the new tenant becoming my tenant for the land purchased by me on the same terms as the man from whom he purchases the original portion—that is, he has tenant right only in the farm originally owned by the seller and none in that purchased by me. Nor can I see how he can justly acquire that right, unless by paying me the money I paid, less the capital value of any additional rent placed on the land in consequence of that purchase. This latter, however, is small, as in no case can a landlord get a rent equal to his rent proper and interest on his purchase of tenant right. Under the Land Bill my tenant could sell both portions, my purchase would merge in the sale, and I should lose all not covered by higher rent. Now, I have the right to resume possession if not satisfied with any proposed new arrangement, and could recoup myself by restoring the original conditions of two small farms. The landlord's compensation, it is said, in case of a sale of a tenant right by a tenant who had taken a farm, the tenant right of which had been purchased by the landlord and afterwards sold, would come out of the wrong person if then claimed. This is wrong. The seller would be selling that for which he never paid, and would suffer no injury by being obliged to hand over the proceeds of the sale, less his claim for improvements, if any, to the landlord to whom the property belongs, and the buyer would suffer no injury by paying the rightful owner instead of the tenant, who, by a lucky chance of law, was selling what did not belong to him. A great injustice will be done to those who have freely spent money in the hope of raising the condition and *status* of the smaller tenantry. Had I taken advantage of the law as it stood, I might have enlarged the holdings by ejecting those too small to live by farming, and paid nothing by way of compensation before 1870.”

He trusted that the injustice pointed out by the noble Duke (the Duke of Argyll) would be provided for by the Govern-

ment accepting the proposed Amendment. If some such provision were not made, a great injustice would be done to a large number of landlords.

LORD CARLINGFORD hoped their Lordships would not insist upon this Amendment. He should like to remind the noble Duke (the Duke of Argyll) of what was done in this matter by the Act of 1870. No doubt, the Act said that an Ulster farm, once free of the Ulster Custom, should remain free from it. But what more did it do? Side by side with that provision, it subjected the holding to all the other general provisions of the Act. And what were they? They included compensation for disturbance, and in his (Lord Carlingford's) view, as a matter of principle, that compensation for disturbance was a harder measure to the landlords than anything the Government were doing under the provisions of this Act. In the case of tenant right he received some tangible value; but the payment of compensation for disturbance was not a payment which represented any value whatever. It was partly a payment in the nature of a penalty, and partly in the nature of a compulsory poor law to relieve the tenant. In point of principle, indeed, he maintained that it was a very strong measure to require every landlord in Ireland, including those who had bought up the Ulster Custom, to submit to the general provision of compensation for disturbance. He only mentioned that to remind them of what had been done by the Act of 1870. As to the question now before them, the Government's view with reference to the noble Duke's proposal that a lump sum should be given by a tenant in the case of the tenant right having been purchased was that it would be a practical injustice. They were convinced that, in practice, the only mode in any case, supposing there had been no legislation at all on the subject, in which a landlord could have recouped himself, would be in the way of increased rent, representing the full interest of the expenditure which—in his (Lord Carlingford's) opinion foolishly—he had made. If he had not so increased the rent upon the tenant right payment which he had himself made, including, of course, valuable improvements on the holding—if he had not done so, it was a case of great indulgence; and he would be only in the same position as any other indulgent

landlord in Ireland. If, on the other hand, he had fixed his rent according to the circumstances of the case, and calculated it upon the tenant right payment, he would have lost nothing by the transaction. That was how the question stood. There might be cases of hardship of that kind. They could not be helped as regarded the past; but in future they could not arise, as the Bill would in all cases, either by agreement or the intervention of the Court, insure to the landlord a fair rent. What, then, would be the position of the tenant? There would be an increase of rent equivalent to the capital sum expended by the landlord, and that increase of rent would continue after a new tenant entered upon the holding. Therefore, if the landlord had fixed his rent according to the circumstances of the case, would it be reasonable to ask the tenant in occupation, who might have been paying the full value of the farm, to pay the landlord a lump sum in respect to tenant right, as suggested? The effect would be, if the tenant had to sell his tenant right on that increased rent, the value of his interest would be largely decreased, and it was quite evident that it would be preposterous and impossible to require that he should not only pay the capital sum to his landlord, but also that the increased rent calculated upon that capital sum should continue upon the holding, and that he should be required to sell on the diminished value. If that were to be done, it would be essential that the Court should reduce the rent before the man sold. If the landlord's tenant right payment, which might have been paid—God knows when—were to be repaid by the actual tenant, then the rent of that farm must be reduced accordingly. It must be reduced to the figure at which it would have stood if the landlord had not so bought the tenant right, and the tenant must be able to sell it at that reduced figure of rent. It was impossible that the landlord should receive that sum from the tenant, and, at the same time, go on obtaining to the end of time a high rent calculated upon another condition of things. These were some of the difficulties which they would have to meet if they attempted to make any provision such as his noble Friend (the Duke of Argyll) had proposed. The suggestion now made by no means differed in effect from the words

already standing in the original Amendment. The Government were convinced that, although the Bill was a strong and severe interference with the action of the landlord, it did not, in the matter at issue, subject him to any money loss. The Government admitted, to the fullest extent, that the Bill would defeat and overrule the policy and the system adopted by the few landlords now in question; but beyond that they did not go. They were convinced that, in these cases, the landlord would have just the same means, as a matter of money, of recouping himself for his expenditure as he would have had if there had been no new legislation whatever, that means being the obtaining of a rent calculated upon the circumstances of the holding.

THE MARQUESS OF SALISBURY said, that, while believing that the original Amendment of the noble Duke (the Duke of Argyll) was not properly open to objection, he believed that this, as now improved, would be the most elastic and natural method of removing any misapprehension as to the effect of honouring the promise made by Parliament in 1870. The arguments of the noble Lord the Lord Privy Seal were of two kinds. In the first place, he pointed out the great enormity of the provisions of the Act of 1870, and said that the Government had done nothing in this Bill at all so bad as that. But he (the Marquess of Salisbury) could not admit that the noble Lord's appeal to his own wrong constituted any justification for any wrongs which he might in the future attempt to commit. But then the noble Lord went on to say that if the landlord suffered by reason of having bought the tenant right, and never getting value for it, at least he was paid by the increase of rent which was the result of the absence of the tenant right. But if there was one thing more than another which the noble Lord had laboured to impress upon the House, it was that there was no connection between the growth of tenant right and the amount of rent paid. He (the Marquess of Salisbury) would, if he might make use of a trivial simile, say that he could not understand under which thimble the pea now was. He could not understand whether the noble Lord had pinned his faith to the doctrine that the money payable by an incoming tenant and the rent to be exacted were to be twin sisters,

Lord Carlingford

growing up side by side, but independently, or whether they were to be dependent upon each other, the one rising as the other fell. In some of the debates that had taken place the noble Lord had taken the first view; but now his argument was based upon the second. What was the position of the tenant who would be affected by the Amendment, and who was the subject of so much commiseration, out of the result of whose free sale it was proposed that the first compensation of the landlord would come? He had come into the farm entirely without the payment of any purchase money whatever. He was in the country of Ulster tenant right, and surrounded by farms every one of whose occupants had paid a heavy sum before occupation of the farm, and he had enjoyed all the benefits of the tenant right, all the benefits conferred on the farm by the permanent buildings erected by his predecessors in title, and enjoyed them without paying the price for them; and before he could exercise the right of sale which the surrounding tenants possessed, he was bound to come on a level with them in respect of the sacrifices which they had made in the purchase of the tenant right. He must purchase that which he desired to sell as the others had. The difference between the Ulster Custom and the tenant right of the rest of Ireland no doubt caused considerable difficulty in dealing with the matter. The noble Lord the Lord Privy Seal had repeatedly spoken of the man who had purchased his tenant right as a foolish man. But he was induced to do so by an Act of Parliament which the noble Lord had been instrumental in passing. In Ulster a landlord had bought up the tenant right. He did so under the Act of 1870, and now it was proposed by Parliament that it should be taken from him, and given to the tenant. His (the Marquess of Salisbury's) view of the matter was that the Government had, by their Bill, been guilty, with respect to the whole of the landlords of Ireland, of something which was very like spoliation as regards their Common Law rights; and in this particular case, in addition to spoliation as regards their Common Law right, they were committing a special spoliation as against the guarantee of an Act of Parliament.

THE EARL OF DUNRAVEN failed to see any valid objection on the part of

the Government to the proposal to give the Court power to apportion a certain amount of the purchase money to the landlord, if it should be satisfied that he had not been repaid for his expenditure in any other way. As he understood the noble Duke's (the Duke of Argyll's) Amendment, each case would be submitted to the Court, and the Court would apportion what belonged to the landlord and what belonged to the tenant, if he was entitled to tenant right. He could not, therefore, understand the difficulty of the Government. Why should not a landlord who had bought up the tenant right be recouped out of the money obtained on the first sale of the tenant under this Bill? The landlord who had purchased the tenant right would be compelled either to lose his money or to charge a sufficient increment of rent to pay him interest on it. The noble Lord the Lord Privy Seal said that that was what he ought to do; but in many cases it would be practically impossible for him to do so. He had given such a large sum for tenant right that he would be most unwilling to charge sufficient interest in the way of rent. So far as he knew, the reason why many landlords had bought up the tenant right was for the express purpose of insuring that men should not be overburdened by rent and interest on tenant right; and if they charged interest on themselves, they would be defeating the very end for which they had bought it. It would be compelling the landlords to raise their rents in order to pay themselves. That would be a most injudicious thing to do; and he confessed he could not understand why they should not be allowed to go to Court if they could show to its satisfaction that they had not been repaid by increased rent or in any other way. He, therefore, supported the Amendment of his noble Friend (the Duke of Argyll).

THE EARL OF KIMBERLEY contended that the methods of repaying the landlord which seemed to be popular with some noble Lords could not be considered just. What his noble Friend (the Earl of Dunraven) had just said showed the extraordinary positions into which the question would be brought if they persisted in the Amendment. The noble Earl had said truly that if the landlords bought the tenant right they never expected to get it back in rent. If they

could not get it back in rent, then it appeared to him that they would be repaid by the tenant who happened to occupy the farm. Though his noble Friend never expected to get recouped, and merely had the pleasure of knowing he was freed from the shackles which the Ulster tenant right imposed as to the selection of the tenant, yet his noble Friend supported an Amendment for payment by the tenant, who had not derived any advantage from the outlay. He should like to know how, if the landlord could not expect to get an equivalent in rent for his capital, he could expect to get the capital itself?

THE DUKE OF ARGYLL explained that his present Amendment was not the same—as it was said to be by his noble Friend the Lord Privy Seal—as that formerly under consideration. The words of his former Amendment were a specific and direct order to the Court to do something; they ordered that money paid by the landlord for the tenant right should be repaid to him; the present Amendment merely said there were circumstances under which they were to consider—that was, it would leave the Court free to judge of the whole circumstances of the case. Why should the Government not accept the suggestion if they had entire confidence in their own Court? It was a very fair one, and one that should be accepted by them.

THE LORD CHANCELLOR said, he could not understand what was supposed to be the difference between the position of those who had bought up the Ulster tenant right, under the Act of 1870, and the position of those who would exercise the right of pre-emption under the 1st clause of the Bill. What those who exercised that right would pay would be exactly what those would pay who had bought up the tenant right under the Act of 1870. The tenant would only get the value of his own improvements and his own goodwill in a sale, and every person that made such a purchase under this Bill would be able to sell it again. The Bill placed that particular class of persons in a position in no way different from that of those who exercised the right of pre-emption. The landlord had got the improvements, and they could no longer be charged against him for rent or other purposes; and if he did not choose to recoup himself by adding to the rent, or having the rent

assessed by the Court, that was simply because, for some reason or other, he did not think fit to exercise his right in the way that he could. He could not for the life of him see any injustice in it, and it was no reason that the tenant should therefore be deprived of the advantages of the Bill. It would be better to leave the landlord at liberty to recoup himself by charging a higher rent. The matter should be left to the Court. The Government could not agree to the former or present Amendment.

EARL CAIRNS said, they knew, practically, that purchases of tenant right had not been made by the landlords with a view to increase the rents, but with the object of getting rid of the inconveniences the system inflicted, and giving the landlord the right to choose his tenants. The question their Lordships had to deal with was a short and simple one, and the landlord's right of pre-emption under the 1st clause had nothing whatever to do with it. The landlord had bought up the tenant right under the Act of 1870, for, say, £1,000, that being its selling value in the market. If it again brought £1,000 after this Bill passed, it would have to be decided to whom this £1,000 belonged. It did not belong to the tenant, because he paid nothing whatever for it. It was the landlord who had paid the money. He did not mean to say that there might not be circumstances with regard to subsequent improvements; but it should be for the Court to say how much of that £1,000 should be contributed to the landlord with reference to the purchase he had made, and how much to the tenant in consequence of subsequent improvements or any other item. If the Court was considered competent to settle the rents that should be paid all over Ireland, surely it might be trusted with the decision of this simple matter.

THE EARL OF CAMPERDOWN said, it would be a great advantage if their Lordships distinctly knew what the effect of the Amendment was. The version given by the noble Duke (the Duke of Argyll) and that given by the noble Earl the Secretary of State for the Colonies (the Earl of Kimberley) on behalf of the Government differed. He (the Earl of Camperdown) was in favour of the decision of all land questions, whether raised by the landlord or the tenant being left to the Court, and

should, therefore, vote for the Amendment.

THE MARQUESS OF LANSDOWNE said, he rose merely for the purpose of noticing an observation made by the noble and learned Lord the Lord Chancellor, who stated that the case of the landlord who had bought up the tenant right under the Act of 1870 was on very much the same footing as that of the landlord who might hereafter exercise the right of pre-emption. But was there not this very great distinction? The landlord who after the passing of the Bill exercised the right of pre-emption would do so with his eyes open, and would make such an adjustment of rent to the circumstances of the holding as he might think necessary. But the landlord who had bought up the tenant right relying on the engagement entered into by Parliament in 1870 did not do so with his eyes open. He was hoodwinked by the Act of 1870. He contended, in answer to the argument of his noble Friend (the Earl of Kimberley), that, in these cases where the tenant right had been bought up, the landlords had, as a rule, not been recouped by increase of rent; they had bought up the tenant right in order to relieve the tenancy of an incubus, and the tenants who had occupied their holdings without having to pay a large sum for "goodwill," in addition to a yearly rent, had clearly gained by the arrangement. It was perfectly reasonable, in his opinion, that the Court should be allowed the discretion of awarding to the landlord what sum he could fairly show he was entitled to.

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Resolved in the affirmative.

Amendments made by the Commons to Lords Amendments in page 3, lines 3 and 4 of sub-section 15, striking out the words "shall be deemed to be made by the tenant;" and in Clause (A), lines 5 and 6, striking out the words, "Any act done by the tenant in contravention of this provision shall be absolutely void," *not insisted on.*

Lords Amendments in page 4, line 9, leave out from ("tenant") to the end of the clause; and line 25, after ("tenancy,") insert ("after giving to the landlord the prescribed notice,") *dis-agreed to by the Commons, not insisted on.*

Lords Amendment in page 5, line 10, leave out from ("soil") to the end of the paragraph, *disagreed to by the Commons.*

THE MARQUESS OF WATERFORD said, that an important change had been made in the Bill since it left their Lordships' House with reference to the deterioration of holdings, which rendered it necessary that he should move an Amendment to the Commons' Amendments. He wished to leave out the words "the deterioration of the soil" in one part of the clause, and insert them at the end, which would indicate more clearly what was intended. There might be no objection to the landlord having to give notice, or being obliged to do so by the Bill, in case of the deterioration of the soil, which was a matter already covered by the clause; but, as the words stood now, they affected the question of buildings, and it would be impossible for the landlord in all cases to give notice of the deterioration of buildings to the tenant. The tenant, for instance, might destroy a building, and how could the landlord be aware of the fact until it was done? Again, there were many thatched houses in Ireland, and a tenant might burn down such a building; but how was the landlord to be on the spot and give the tenant the notice which was required of him? The notice should only refer to the soil, and should have no application to buildings.

Moved, In page 5, line 10, leave out ("the deterioration of the soil,") and in line 13, after ("notice,") insert ("by the deterioration of the soil.")—(*The Marquess of Waterford.*)

LORD CARLINGFORD said, the Government thought it better, if the notice was to be given at all, that the Bill should stand as it was, because the landlord would be in no way injured by it. In cases such as the noble Marquess referred to, the landlord would simply have to give the notice and then proceed under the powers given him by the statute. Any continuance of waste after the notice was given would be sufficient for the landlord to act upon; and he believed that the power given would tend to narrow the controversy between the two parties. Unless the notices were to be given, hard cases might arise, because he could imagine an owner lying by and allowing the tenant to go on in waste

without notice, and then suddenly step in and exercise his rights under the Bill.

EARL CAIRNS said, that a tenant might pull down a house and the landlord might not hear of it until next year. How then could he give the tenant notice? Everyone would admit that the grossest case of waste would be that of the tenant's own house; and he hoped the Amendment would be accepted.

VISCOUNT POWERSCOURT asked whether the noble and learned Earl (Earl Cairns) had ever heard of a tenant pulling down his house? He (Viscount Powerscourt) never had; and even if he had, he should have no objection to such a proceeding. What they complained of was that the tenant built too many houses, such as they were.

THE EARL OF KIMBERLEY said, that in case of dilapidation by pulling down a house the landlord could insist that the tenant should put it up again.

On question? *resolved in the affirmative.*

Amendments made by the Commons to Lords Amendment, in page 5, line 15, by striking out in line 4, the words "in addition to," and inserting "otherwise than in substitution for;" and in line 6, leave out from "nor" to "landlord" in line 8.

Moved, "That this House doth agree to the Amendments made by the Commons in the said Amendment."—(*The Lord Privy Seal.*)

On question?

THE MARQUESS OF LANSDOWNE said, that this provision, requiring the consent of the landlord to sub-letting, had been altered by the House of Commons in two respects. The Amendment which he proposed, and which was accepted by their Lordships, provided that no dwelling-house should be erected on the holding in addition to those already existing. That Amendment, which was destined to prevent over-crowding, from which the people in certain parts of Ireland suffered so much, had been altered by the Commons in such a way as now to make it read to the effect that no such house should be erected, except as allowed by the Act, otherwise than in substitution for those already on the holding. He had no objection to that; indeed, he considered it an improvement, because it was never contemplated that the tenant should be pre-

vented from pulling down a bad house and building a better one in its place. On the contrary, he was most desirous to promote such an arrangement as that. He regretted, however, that the other House had struck out the words prohibiting any building from being used as a dwelling-house which, at the time of the passing of the Act, was not so used. This was meant only to prevent the tenantry from making use of buildings unfit for occupation as dwelling-houses. It was said that the words left out would have given the landlords opportunities of prying into the private affairs of their tenants. All he could say was that it was rather hard that landlords who did not pay attention to these matters should be accused of indifference, and that if they did they should be set down as Paul Pry's and inquisitors. He would not press the point, however, and would assent to the Commons' Amendment.

THE MARQUESS OF WATERFORD said, that he must move the restoration of the words struck out by the Commons, if the noble Marquess would not do so. As the Bill stood, a tenant was not allowed to build for his son, his daughter, or a lodger; but he must lodge them in the pigstye. That was the most extraordinary provision he ever heard of. The tenant was prevented from building, and yet he should lodge them in some building on the farm, buildings on Irish farms not being very numerous or very convenient. He believed that the Irish landlords had generally tried to improve the class of dwellings occupied by the tenants; but the Bill encouraged the families of Irish tenants to remain on the farm, but compelled them to live in pigstyes and hovels in the farm-yards if they did so. He was sure the Government did not desire such a state of things to exist, and hoped, therefore, they would consent to replace the words which had been struck out.

Moved, "That this House doth disagree with the Amendment made by the Commons in line 6 of the said Amendment."—(*The Marquess of Waterford.*)

LORD CARLINGFORD said, he would remind the noble Marquess opposite (the Marquess of Waterford) that there were ample statutory provisions to meet the case referred to; and they must remember that every breach of these com-

ditions, large or small, might be visited with the sentence of loss of the holding by eviction from it. The Amendment would, he thought, tend to make the subject more involved, especially when they remembered that if another family came to live on the farm, and a fresh house was built, or a stable was turned into a dwelling, from that moment an act of sub-division had taken place in the eye of the law. The whole subject required to be very carefully handled, where nothing less than the forfeiture of the tenancy was involved.

THE MARQUESS OF SALISBURY said, the object of the Government seemed to be to enact statutory conditions for encouraging sanitary offences and overcrowding, as, while they would allow a man to live in a pigstye, a cow-house, or a barn, they would not let him build a new house. He thought they were very ill-advised in adhering to this Amendment, because it intensified and exaggerated one of the worst evils to which the Irish peasant was exposed. But for the clause, it would be possible for the tenant to build an additional dwelling-house, if one were required, for a married son, or for the accommodation of an increasing family; but it was now proposed to adopt an impracticable *vid mediâ*, and neither to drive away the surplus population, nor to permit the tenant to provide additional dwellings.

THE MARQUESS OF BATH said, he did not think it was worth while to wrangle over an Amendment of that nature.

On question? *resolved in the negative.*

Original Question put, and *agreed to.*

Lords Amendments, in page 5, line 32, after ("title") insert ("and which the tenant at the time of the passing of this Act may be entitled by law to cut and remove;") and in line 34, leave out ("may be required") and insert ("the tenant may be entitled to cut in exercise of any right enjoyed by him immediately before the commencement of the statutory term;") to which the Commons have disagreed, *not insisted on.*

Lords Amendments, in page 5, line 38, after ("game") insert ("as defined for the purposes of the Act twenty-seventh and twenty-eighth Victoria, chapter sixty-seven"); and in line 41, after ("game") insert ("as defined for the

purposes of the Act twenty-seventh and twenty-eighth Victoria, chapter sixty-seven," to which the Commons have disagreed, *not insisted on*.

Amendment made by the Commons to the Lords Amendment, in page 5, line 43, *agreed to*.

THE MARQUESS OF WATERFORD moved to add wild duck, widgeon, and teal to the description of game to be preserved for the landlords. That would only be placing them in the position they now occupied, and the Government had stated that they had no desire to unduly interfere with the landlord's rights. This was a much more important matter than some people thought, because in some parts of Ireland wild duck, widgeon, and teal were the only wild game to be found, and if the landlord's right to preserve them was taken away it would be a serious matter. He, therefore, hoped the Government would accept the Amendment.

Moved, In last line of said Amendment, to leave out ("snipe,"), and insert ("snipe, wild-duck, widgeon, and teal.")—(*The Marquess of Waterford*.)

THE EARL OF KIMBERLEY said, that the birds mentioned were not considered in the Game Act of England as game.

THE MARQUESS OF WATERFORD said, they were considered as game in Ireland, and were always reserved in Irish leases.

On question? *resolved in the affirmative*.

Lords Amendment, in page 6, line 1, leave out ("persistently"), *disagreed to* by the Commons.

THE MARQUESS OF WATERFORD moved to omit the word "persistently," and insert instead thereof the word "unreasonably." The clause as it stood would enable a number of tenants to combine together and obstruct the landlord, although they did not persistently do so.

Moved, To leave out the word ("persistently") in the said Amendment, and insert ("unreasonably.")—(*The Marquess of Waterford*.)

THE LORD CHANCELLOR opposed the alteration. He thought the word

"persistently" was much better than the word "unreasonably."

THE MARQUESS OF SALISBURY said, there might be a conspiracy amongst several tenants to commit this offence, and the word "unreasonably" would strike at that, while "persistently" might not.

On question? *resolved in the negative*.

On the Motion of The LORD PRIVY SEAL Lords Amendment *not insisted on*.

Lords Amendment, in page 6, lines 3 and 4, after ("sub-section,") insert—

("During the continuance of a statutory term, all mines and minerals, coal, and coal pits, quarries of limestone and other stone and slate, gravel and sandpits, woods and underwoods, and all bogs and bog timber, turbaries for cutting turf, and rights of turbarry, except such of the said rights as the tenant, under the contract of tenancy subsisting immediately before the commencement of the statutory term, was lawfully entitled to exercise, shall be deemed to be exclusively reserved to the landlord,")

— *disagreed to* by the Commons.

THE LORD CHANCELLOR, in moving that the House do not insist on the Amendment, said, it was open to the objection that it was not desirable to put in the Bill that which was entirely unnecessary in point of law.

Moved, "That this House do not insist on the said Amendment to which the Commons hath disagreed."—(*The Lord Chancellor*.)

THE MARQUESS OF WATERFORD moved that so much of the Amendment as related to mines and minerals, coals and coalpits should be retained in the Bill. As regarded the remainder of the Amendment, he did not think it was necessary.

Moved, To leave out from ("coalpits,") in line 3, of the said Amendment, to ("shall") in line 8.—(*The Marquess of Waterford*.)

LORD CARLINGFORD said, he could not understand what was the noble Marquess's reason for making such a proposal. There could be no doubt that the landlord's property was fully protected, and that these words were wholly unnecessary.

On question? *resolved in the affirmative*.

Lords' Amendment, as amended, *insisted on*.

Lords Amendment, in page 6, line 8, leave out ("consequent on an increase of rent by the landlord"), *disagreed to* by the Commons.

THE MARQUESS OF SALISBURY moved that the House insist on the Amendment. If the words were left out, the only effect would be that those landlords who had not gone through the qualifying process of asking an increase of rent would have the same privileges in respect of resumption which were conferred by the clause as those would have who had gone through that process. He was unable to understand why the fact of a landlord having raised the rent should be regarded as a special qualification for the resumption of his holding, or any portion of it, for the purposes specified in the sub-section.

Moved, To insist on the Amendment in page 6, line 8, to which the Commons have disagreed.—(*The Marquess of Salisbury*.)

LORD CARLINGFORD said, that the Government could not consent to the omission of the words. Their appearance in the place where they were found in the clause was a mere matter of drafting to make a necessary reference to the 7th clause. They had no force in connection with the place where they appeared, any further than pointing out where the real question they were intended to deal with was situated. If necessary at all, that was not the proper place to make such an Amendment as that desired by the noble Marquess.

THE MARQUESS OF SALISBURY thought the clause would read perfectly well without them.

On question? Their Lordships *divided*:—Contents 118; Not-Contents 37: Majority 76.

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Abergavenny, M.	Clonmell, E.
Bristol, M.	De La Warr, E.
Exeter, M.	Denbigh, E.
Hartford, M.	Eldon, E.
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borough.)
 Ramsay, L. (*E. Dal-*
housie.)

Ribblesdale, L.
 Sandhurst, L.
 Somerton, L. (*E. Nor-*
manton.)
 Stafford, L. (*V. En-*
field.)
 Sudeley, L.
 Suffield, L.
 Thurlow, L.
 Truro, L.
 Wolverton, L.
 Wrottesley, L.

Resolved in the affirmative.

On the Motion of The Earl of Donoughmore, Lords Amendment, in page 6, line 27, leave out from ("as") to ("prohibits") in line 38, *disagreed to by the Commons, insisted on.*

Lords Amendment, in page 6, line 37, leave out from ("land") to ("From") in page 7, line 27, *disagreed to by the Commons.*

THE EARL OF DONOUGHMORE contended that their Lordships should insist on amending the clause in the direction of their previous Amendment limiting the scale of compensation. He would, therefore, move that the provisions regulating the higher scale of compensation which had been struck out of the Bill by their Lordships, but re-inserted by the Commons, should be again struck out, with the intention of subsequently moving the introduction of a more moderate scale.

Moved, To insist on the Amendment in page 6, line 37, to which the Commons have disagreed.—(*The Earl of Donoughmore.*)

LORD CARLINGFORD said, that, having accepted the principle of compensation for disturbance, he did not think it worth while for the noble Earl to insist upon this particular Amendment, contesting it now. Although the Government expected that compensation for disturbance would have small effect under the provisions of the Bill, as it would probably not affect many holdings, they desired that, whenever for any reason it might be brought into operation, it should be in the shape now proposed—that was, should be effective. The Government had proceeded on the authority of many of the Judges who administered the law, some of whom recommended a larger increase in the scale than was now proposed.

THE EARL OF PEMBROKE asked whether these opinions were got before or after the introduction of the present Bill?

EARL SPENCER replied, that these opinions were given in the evidence before the Land Commission.

THE MARQUESS OF SALISBURY said, that the cases to which the Judges had referred were cases in which the incoming tenant had induced the landlord to get rid of the outgoing tenant by a promise to pay compensation. That was to say, it was worth the incoming tenant's while to pay a slight additional rent, and also compensation for the disturbance induced by eviction. It was evident that under the present Bill, with the right of free sale existing, the bargain would have taken place directly between the parties, and no question of eviction would have arisen. Those opinions, therefore, had been given under a totally different state of things from that which would arise under the Bill. He wished to add that, in his opinion, the upper portion of the proposed scale of compensation was wholly uncalled for by the present state of Ireland. The noble Lord the Lord Privy Seal had confessed that the provision of compensation for disturbance was a more decided violation of principle than anything in that Bill.

LORD CARLINGFORD explained his statement to be that the principle of compensation for disturbance was in principle a greater interference with the landlord than the necessity now laid upon him of recognizing the sale of tenancies.

On question? Their Lordships *divided*:—Contents 100; Not-Contents 39: Majority 61.

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 L.
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 L.

Poltimore, L.
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manton.)
 Strafford, L. (*V. En-*
field.)
 Sudeley, L.

Suffield, L.
 Thurlow, L.
 Truro, L.
 Wavemey, L.
 Wolverton, L.

Resolved in the affirmative.

On the Motion of The Earl of Do-
 NOUGHMORE, clause amended as fol-
 lows:—In page 6, line 37, insert—

“And the said section three shall hereafter be
 read as if from such section were omitted the
 words ‘for the loss which the Court shall find to
 be sustained by him by reason of quitting his
 holding,’ so that the said section shall be read
 as providing that the tenant therein mentioned
 shall be entitled to such compensation as the
 Court, in view of all the circumstances of the
 case, shall think just, subject to the scale of
 compensation hereinafter mentioned.

“The compensation payable under the said
 section three in the case of a tenant disturbed in
 his holding by the act of a landlord after the
 passing of this Act shall be as follows, in the
 case of holdings—

“Where the rent is thirty pounds or under,
 a sum not exceeding seven years’ rent;

“Where the rent is above thirty pounds and
 not exceeding fifty pounds, a sum not exceeding
 five years’ rent;

“Where the rent is above fifty pounds and
 not exceeding one hundred pounds, a sum not
 exceeding four years’ rent;

“Where the rent is above one hundred
 pounds, a sum not exceeding three years’ rent,
 but in no case shall the compensation exceed
 five hundred pounds.

“Any tenant in a higher class of the scale
 may, at his option, claim compensation under a
 lower class, provided such compensation shall
 not exceed the compensation to which he would
 be entitled under such lower class on the as-
 sumption that the rent of his holding was re-
 duced to the sum (or where two sums are
 mentioned the higher sum) stated in such lower
 class.”

Lords Amendment, in page 8, line
 15, leave out from the second (“land-
 lord”) to (“may”) in line 17, *disagreed*
 to by the Commons, *not insisted on.*

EARL CAIRNS said, that the Bill, as
 it was originally introduced, did not
 give the landlord access to the Court un-
 less he proposed to raise the rent. Their
 Lordships, however, being of opinion
 that both parties should have equal
 access, made the Bill read that the Court
 might be approached by the tenant, or
 by the landlord and tenant jointly, or
 by the landlord; and the Commons had
 struck out the addition which extended
 the right to the landlord. It was pro-
 posed in the other House, at a time when
 the Amendment could not be entertained,
 to make the clause read, “or by the
 landlord if the parties have otherwise

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Exeter, L. Bp.

Amphill, L.
 Boyle, L. (*E. Cork and*
Orrery.) [*Teller.*]
 Breadalbane, L. (*E.*
Breadalbane.)

Carlingford, L.
 Carrington, L.
 Churchill, L.
 Emly, L.
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gall.)
 Granard, L. (*E. Gra-*
nard.)
 Kenry, L. (*E. Dunraven*
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Leigh, L.
 Lyttelton, L.
 Methuen, L.
 Monson, L. [*Teller.*]
 O'Hagan, L.
 Ponsonby, L. (*E. Bess-*
borough.)

Ramsay, L. (*E. Dal-*
housie.)
 Ribblesdale, L.
 Sandhurst, L.

failed to come to an agreement;" and he should propose to make that Amendment now, on the ground that it was necessary to do equal justice to landlord and tenant. It was a most invidious position for the landlord that he should have to demand an increase of rent before he could have access to the Court, which should be equally open to him as to the tenant. Still believing in the justice of their contention he hoped the House would agree to his present proposition.

Moved, To leave out from ("after") in line 15, to ("may") in line 17, and insert ("if the parties have otherwise failed to come to an agreement.")—(The Earl Cairns.)

EARL SPENCER said, that in the other House the Government, in order to put the landlord and tenant on a more perfect footing of equality, had been willing to insert certain words varying somewhat slightly from those just proposed; but considerable importance was attached to that variation. The Forms of the House, however, prevented those words being proposed; but he now submitted them—namely, "or having otherwise failed to agree with the tenant as to what a fair rent is." The view of the Government was that, in the beginning, the parties did not stand on an equal footing; that the landlord had considerable advantages over the tenants in various ways, including the advantage of the possession of a large purse, and therefore the Government admitted the equity of the position taken up by the Commons. The Government were anxious to encourage the landlord and tenant to settle these matters out of Court, if possible; in fact, they considered it was only a part of the landlord's duty to do so. They therefore proposed that they should do so by means of the words originally inserted.

THE MARQUESS OF SALISBURY, while sympathizing with the Government in their desire that the parties should endeavour to arrange without coming to the Court, preferred the words of his noble and learned Friend (Earl Cairns), in order to meet the case where the tenant was in a state of hostility to his landlord, excited by outside parties.

THE LORD CHANCELLOR having spoken in favour of the original words,

Earl Cairns

THE MARQUESS OF SALISBURY said, he thought it would be unfortunate if the Government insisted that where landlord and tenant could not come to an agreement in consequence of some external influence operating on the tenant, the landlord should be forced to demand an increase of rent in order to open the doors of the Court to himself. It would simply add unnecessarily to the bitterness between the two parties. Again, there were many reasons why a landlord might like to have his rent fixed by the Court, although he did not want to increase his rent. For instance, he might wish to have it fixed for purposes of sale.

On question? *resolved in the affirmative.*

Lords Amendment, in page 8, line 20, leave out from ("parties") to second ("and") in line 21, *disagreed to* by the Commons.

THE MARQUESS OF SALISBURY said, he must now ask the House to insist upon the Amendment in the 7th clause, which provided that a tenant of a present tenancy, or the tenant or landlord jointly, might apply to the Court from time to time to have a fair rent fixed, and that the Court might fix such rent after hearing the parties, and "having regard to the interests of the landlord and tenant respectively." The matter was one to which considerable importance was attached in Ireland. He proposed to leave out the words, "having regard to the interests of the landlord and tenant respectively." He freely admitted that these words had had no special sense attached to them; and if they were used in an English Bill they would not excite very much remark. But there was no doubt that when they were introduced in the House of Commons, though they did not excite very much feeling on the part of the Government at the time, and were described as being merely sentimental, yet, when they became more generally known, it was felt that they implied something more than at first sight appeared. This Bill had, more than any other Bill with which he was acquainted, reference to public opinion in the community with which it had to deal; and the words in question were to be viewed not only with reference to their precise legal effect, but also with reference to their operation in the minds of those to whom they ap-

plied. There was no doubt that, innocent as these words appeared, they raised very considerable apprehension among the landowners, especially in the North of Ireland, and he believed all over the country, that when brought before the Court, and when they had to operate on the minds of the Judges, they would have an effect most prejudicial and detrimental to the just rights of the landlord in the way of reducing his "fair rent." The belief entertained was that their effect would be to establish a species of right destructive of the rights of the landlords and tend to mislead the Judges. They were in the nature of an instruction to the Court to take care of the interests of the plaintiff and the defendant respectively; and such a recommendation to any ordinary Court of Law in England would be considered, if not as an insult, at least something more than unnecessary. It was dangerous to make provisions which the state of the law did not absolutely require, and in which an occult meaning was sure to be looked for, as the Government had, in the course of these discussions, perpetually reminded them. It was well to consider this in dealing with Commissioners who certainly would constitute a very remarkable anomaly in the history of British law, and it was especially wise to consider it in dealing with a matter so delicate as that of the rights of landlord and tenant respectively. No good reason could be shown for the insertion of the words; and as the landlords would be put in a very unusual position by the subjection of their rights to this qualification, it seemed to him that their Lordships would do well to adhere to their Amendment.

Moved, To insist on the Amendment in page 8, line 20, to which the Commons have disagreed.—(The Marquess of Salisbury.)

LORD CARLINGFORD said, his thanks were due to the noble Marquess opposite (the Marquess of Salisbury), because he had made his (Lord Carlingford's) speech for him. The noble Marquess had recognized the fact that the Government, in acceding to the insertion of those words in the clause, and desiring to retain them now as a convenient exposition of the general directions given to the Court as to the

way it was to deal with the question, did not do so with the view of adding anything to the purview and principle of the Rent Clause. The noble Marquess's argument was that the insertion of the words excited alarm on the part of the landlords; but the Government urged that their omission would cause alarm in the minds of another and much larger class in Ireland—namely, the tenants, and in the present condition of that country the danger of alarm was beyond all comparison greater in the case of the tenant than of the landlord. The tenant class was the class they desired to secure and calm, not only by the legal provisions of the Bill, but in feeling. The mind of the great but poor tenant class was much more likely to be seized with groundless alarm than that of the landlord class. He was convinced that within the next few months this groundless panic would pass away from the minds of both; but if there must be alarm, it was far safer that the tenant class should not be the class to be alarmed. For this reason, he claimed the speech of the noble Marquess as an argument in favour of retaining the words, in order to escape for a time the alarm which would be attended with the most serious consequences.

THE DUKE OF ABERCORN, in supporting the Motion, said, he thought the retention of these words would be followed by the most serious consequences, and that the alarm of the landlords was by no means groundless. If the Bill, as it professed, only extended the Ulster tenant right custom to the rest of Ireland, although that would not be fair to those landlords on whose estates it had not been practised, it would be less open to objection; but it enlarged the custom into unknown quantities, and extended something much more injurious to the landlords. The custom had never interfered with a fair rent; it had been a thing outside the rent; it did not affect the rent, and was not affected by it. True, a very unfair rent would materially affect the tenant right of a farm; but a very unfair rent *per se* without reference to the tenant right could be satisfactorily regulated by the Land Court. The words contained in the clause were contrary to the whole spirit and principle of the Ulster tenant right custom; and the effect of it might be very injurious, in that the rents of

the landlords might be eaten up. The more lenient a landlord had been and the lower his rents had been, the higher the tenant right was upon his estate, and the greater would be the fine imposed upon him in the diminution of his income. The clause would have the effect of inducing a new tenant to give a preposterous price for the tenant right in the hope that that might induce the landlord to reduce the rent. The words objected to were not in the Bill originally; they were accepted by Mr. Gladstone without any hesitation whatever, on the suggestion of the hon. and learned Member for Dundalk (Mr. Charles Russell), who was a strong tenant right advocate. To show that the idea was not in the mind of Mr. Gladstone, but that it was contrary to his views, he would refer their Lordships to a speech by Mr. Gladstone, in which the Prime Minister said it would be better to deal with the tenants' interest, without mentioning the landlords' interest, and to deal with rent without mentioning the tenants' interest; that if they were mentioned together it would give rise to the idea that they were opposed to each other, and that it was their business to prevent the growth of the mischievous notion that there was a direct conflict between the landlord's interest in the rent and the tenants' interest in his holding. These words were in accordance with the Amendment of the noble Marquess; and the Prime Minister, in accepting those words and putting them into the Bill, under pressure from the Irish Members, had shown another of those changes of front of which he was so great a master. At the risk of wearying the House, he (the Duke of Abercorn) would state a case which had actually occurred to him, and which might be multiplied elsewhere. On a farm of his, a tenancy-at-will, at a fair moderate rent—£94 a-year—an incoming tenant, two or three years ago, gave £2,700 for the tenant right. The interest on that, at the lowest rate, was £112 a-year. The tenant came and said—"My interest on my holding is £112 a-year. The interest to my landlord is £94." What would the landlord receive in that case, and what would the Court decide under the words of the clause as to the rent payable? He hoped their Lordships would assent to the Amendment of the noble Marquess.

The Duke of Abercorn

THE LORD CHANCELLOR said, he had heard with surprise the speech of the noble Duke (the Duke of Abercorn), and he could not help thinking that his arguments were of a very unfortunate description. The words found fault with were that the Court was—

"To take into account all the circumstances of the case, and amongst other things to have regard to the interests of the landlord and tenant respectively;"

and nothing could be more clearly just. Did the noble Duke mean to say that the tenant had no interests to which regard should be paid? What he would have a right to was his improvements, and he would also have a right to the fixity of tenure which this Bill would give him. He (the Lord Chancellor) should have thought, therefore, nothing was more clear in this world than that the tenants had rights to which regard must be had, as much as to the interests of the landlord. These words—"having regard to the interests of the landlord and tenant respectively," had no tendency whatever to define the interests of the tenant any more than the interests of the landlord; to put them in any way whatever in opposite scales, or make them in any degree antagonistic to each other. They pointed out, in the only way possible, that the tenant had interests as well as the landlord, and a more baseless argument than that which seemed to deny it he could not conceive. The words were absolutely legal, strictly impartial, and entirely just so far as they were material; in fact, he was unable to conceive any that were more so, and to insist on striking them out was to aid and feed alarm instead of removing it. The words did not suggest ever so remotely any scale in which the one interest was to be put against the other. They merely laid down the duty of the Court, to look impartially to both. That appeared to be perfectly fair, and he owned that if there was any conceivable argument against the words it was that they were so obviously just and right that their insertion was unnecessary. But the arguments of the noble Duke showed that they were necessary, for they did not recognize any interest of the tenant. They thought it absolutely wrong to do so. ["No, no!"]

THE DUKE OF ABERCORN explained that he had plainly recognized that interest; but he objected to it as

an element in the determining of the rent.

THE LORD CHANCELLOR said, that was the very object of these words—to consider what should be the rent. On the one hand, the landlord's just rights ought not, in his (the Lord Chancellor's) opinion, to be in the slightest degree cut down or derogated from by the greater or lesser amount which the tenant might be able to get in the market without the concurrence of the landlord; and, on the other hand, in his humble opinion, it would be equally unjust to increase the rent, because the tenant was able to bring to the market his tenant right as a marketable and valuable commodity. On the one side and on the other, it would be the duty of the Court not to lay a rent upon the tenant, because of the value of the tenant right in the market; and, on the other hand, not to deduct from the landlord a rent justly due, because of the value of the tenant right in the market. On both sides it did appear to him that these words pointed to nothing but the doing of pure and simple justice; and those who objected to them suggested to simple minds the idea that pure and simple justice was not acceptable to them. ["No, no!" *from the Opposition.*] It was in the interests of noble Lords themselves that he pointed that out, as nothing was more likely to call in question their motives and purposes. It might not be their object; but it was the effect of what they were doing. He, therefore, thought that it would be very unwise on the part of their Lordships to leave the words out.

THE MARQUESS OF WATERFORD said, that the noble and learned Lord (the Lord Chancellor) had stated that these words should be retained out of simple justice to the tenant; but he would tell their Lordships that they would, if retained, result in the very greatest injustice being done to the landlords of Ireland. The tenants were amply protected under the Bill. His complaint was that they directed the Court, in fixing the rent, to take into consideration the tenant's interest in his holding. He maintained that these words would force the Court, after finding out what a fair rent was, to reduce it by the interest upon the amount the tenant had paid for his tenant right; a provision that would, sooner or later, reduce rents to a *minus* quantity. The

noble Lord (the Lord Privy Seal) had spoken of the alarm of the tenants; but he (the Marquess of Waterford) could answer for the tenants that they could feel no alarm under the Bill, for they had no reason to fear; but, on the other hand, the landlords would have great reason. Their rents would be reduced under this Proviso by the growth of the tenant right, and in process of time they would be completely ruined, if not entirely wiped off the face of the earth, because each time a statutory term was fixed the rent would be reduced, and the tenant right increased; and the lower the rent the higher would be the tenant right. If no directions were introduced the Court would proceed to settle the rent according to the usage in Ulster, where the amount paid for tenant right was never taken into consideration. He hoped their Lordships would strike out the words.

VISCOUNT POWERSCOURT opposed the Amendment on the ground that it touched not only the tenant right introduced by the Bill, but also the tenant right of Ulster. He regretted that noble Lords opposite took so cynical a view of tenant right, which had its market price, and, instead of being artificially restricted, ought to be left to the operation of the law of supply and demand. Unless the Bill granted tenant right, and unlimited tenant right, it would be practically useless. Ireland wanted quietness and peace, and to attain this state depended entirely upon granting an unlimited tenant right to the Irish tenant. He, therefore, thought that the retention of the words would be most useful, and that they would incur a serious responsibility in omitting them.

THE MARQUESS OF LANSDOWNE said, that he wished to say a very few words in justification of the vote which he should give. He did not think the words could fitly be called neutral—far from that being so, they had a distinct significance. The reference to the landlord's interest was, indeed, little more than surplussage, because it would be impossible to fix rent without a reference to that interest. The words in question, however, were inserted with the object of introducing a reference to the tenant's interest, and they would, he apprehended, be regarded by the Court as mandatory and induce it to create an interest of that kind, even where such an interest had

not existed hitherto. He pointed that out on the occasion of the Bill coming before their Lordships for a second reading. Since then, however, the Bill had been read a second time, and, as he took it, they were committed to the principle of the Bill as a tenant right Bill, and indeed something very like an unrestricted tenant right Bill. It had always seemed to him idle to suppose that there could be tenant right of that description without its existence tending ultimately to diminish the rent of the landlord. It was all very well for the Lord Privy Seal to assert that the rent and the tenant right might exist side by side. They might, he would acknowledge, do so at the outset; but, in the long run, economical forces would assert themselves, and it would be found that the tenant right tended to prevent the landlord from obtaining a legitimate increase of rent; while, on the other hand, if there were a fall of agricultural produce, the effect of tenant right would be to throw the whole of the loss on the landlord's shoulders. Those were the inevitable consequences of the creation of tenant right; but they had created it all over Ireland, and so they must look the matter in the face. It was idle with one hand to give tenant right to every tenant in Ireland, and with the other to take back any of the incidents which properly belonged to it. They should have the courage of their opinions; and as, by voting the second reading of the Bill, they had accepted the principle of tenant right, they ought to support Her Majesty's Government in resisting any attempt to deprive that custom of what he believed to be an inseparable incident. In *The Arabian Nights*, a story was told of a fisherman who, one day, brought up from the sea in his net a carefully stoppered bottle. He took out the stopper, and there emerged an enormous monster who had been imprisoned in the bottle for a long time, and who most ungratefully at once threatened to destroy his liberator. The fisherman asked as a last favour before he died that he should be shown the way the monster got into the bottle. The monster then went into the bottle, upon which the fisherman put in the stopper, and, for aught he (the Marquess of Lansdowne) knew, it had remained there ever since. Now, it seemed to him that the noble Marquess (the Marquess

of Salisbury) and his Friends opposite had consented to take out the stopper and had liberated the monster; but there was this difference between that particular monster and the monster of the present day, that the latter would not go back into the bottle. They must, therefore, submit with the best grace they could to the consequences of what they had done; and, having that opinion, he should support the Government in resisting the Amendment.

THE EARL OF ANNESLEY said, he had been informed that the opinion of one of the most eminent Queen's Counsel in the North of Ireland was that if these words were retained they would bring ruin to every landed owner on whose property tenant right existed.

THE MARQUESS OF BATH, though not attaching much importance to the words, the effect of which he considered had been over-rated, could not help thinking that it would be better to leave them out.

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Resolved in the affirmative.

Lords Amendment, in page 8, line 23, after ("rent,") insert—

(" Provided always, that where application is made to the court under this section in respect of any tenancy, and the court is of opinion that the tenant of the holding in which such tenancy subsists, or his predecessors in title, has or have caused or suffered such holding to become deteriorated, contrary to the express or implied conditions constituting the contract of tenancy, the court may refuse the application, or may postpone the further hearing of the same until after the performance by the tenant of such conditions as the court may think proper,")

—disagreed to by the Commons.

THE EARL OF PEMBROKE, in proposing to insist on the Amendment, said, he proposed to leave the words ("or his predecessors") and ("or have") out of the Proviso on this occasion. The only objection the Government made to the Amendment was that it was surplusage, its object being already provided for by the general powers given in the Equities Clause. He thought the surplusage argument came badly from a Government that were always ready to indulge in it when it was the tenant's interest that required protection. And he could not admit that it was unnecessary, or understand how anyone who knew the state of Ireland could believe that the Courts would have to refuse a man a statutory term on account of the condition of his farm, merely because they were permitted, though not enjoined, by the Act to do so. But if the Government were right in their view on this point, they were more than ever bound to insert the proposed provision as a warning to the tenant, who would otherwise go with light heart and a shabby farm to get his rent fixed, and be equally astonished and disappointed at the refusal by the Court of a statutory term.

The Irish landlords had a right to claim protection under this Bill that deprived them of the power to protect themselves. The Bill was going to do a vast amount of harm. Let them, at least, do a little good; and, seeing the amount of harm the Bill was certain to do, it would be a great relief if they were allowed to do a little good by the insertion of the Amendment.

On the Motion of The Earl of PEMBROKE, Amendment *amended*, by leaving out, in line 5, the words ("or his predecessors in title,") and ("or have.")

Moved, To insist on the Amendment, to which the Commons have disagreed, as now amended.—(*The Earl of Pembroke*.)

LORD CARLINGFORD said, he thought the Amendment was unnecessary, for a farmer who had farmed badly would be much more likely to get his holding into good condition again when he had obtained a statutory term than he was before, in order to avoid the penalties of the Act. The Government would adhere to the words of the Bill.

THE MARQUESS OF SALISBURY said, that the one great sin in agriculture was allowing a holding to deteriorate. Therefore, he considered this a very important point. They ought to prevent the tenant from deteriorating his farm with the view of getting a low rent fixed. They were really offering a direct reward to the tenant to do that which it was their policy and their object to prevent.

THE LORD CHANCELLOR considered that the 8th clause gave ample protection, and objected to fettering the hands of the Court.

On question ?

LORD CARLINGFORD said, he would not put their Lordships to the trouble of dividing.

Resolved in the affirmative.

Lords Amendment, in page 8, line 35, leave out from ("landlord") to the end of sub-section ("3,") *disagreed* to by the Commons.

THE MARQUESS OF SALISBURY, in moving that the Amendment be insisted on, said, he proposed to further amend it by the omission of all words after the words "statutory conditions" in line 34, as he considered it was a provision that

was most objectionable, and would prevent, in many cases, the resumption of a holding by a landlord for the space of 33 years. If the Amendment were agreed to, the sub-section would read as follows:—

"Where the judicial rent of any present tenancy has been fixed by the court, then, until the expiration of a term of fifteen years from the next rent day, such present tenancy shall be deemed to be a tenancy subject to statutory conditions."

The following part of the sub-section would be omitted:—

"And having the same incidents as a tenancy subject to statutory conditions consequent on an increase of rent by a landlord, with this modification, that, during the statutory term in a present tenancy consequent on the first determination of a judicial rent of that tenancy by the court, application by the landlord to authorise the resumption of the holding or part thereof by him for some purpose having relation to the good of the holding or of the estate shall not be entertained by the court, unless (a) such present tenancy has arisen, at the expiration of a judicial lease, or of a lease existing at the time of the passing of this Act, and originally made for a term of not less than thirty-one years; or (b) it is proved to the satisfaction of the court that before the passing of this Act the reversion expectant on the determination of a lease of the holding was purchased by the landlord or his predecessors in title with the view of letting or otherwise disposing of the land for building purposes on the determination of such lease, and that it is *bonâ fide* required by him for such purpose."

The expediency of the clause as amended was so necessary that he hoped the Government would not think it necessary to divide the House against it. The landlord ought to have the full right of resumption, not only for the good of the country, but for civilization itself. He could not imagine any provision more hostile to the progress of the country; and, unless the Amendment were agreed to, it would be next to impossible to extend what were now growing towns in various parts of Ireland; and he, therefore, earnestly hoped that the Government would not insist upon the insertion of the words which would in very many cases prevent resumption altogether.

Moved, To amend the said Amendment of this House, to which the Commons have disagreed, by leaving out, in addition, all the words after ("statutory conditions,") in line 34; and to insist on the Amendment as amended.—(*The Marquess of Salisbury*.)

The Earl of Pembroke

LORD CARLINGFORD said, the Government could not agree to the proposal of the noble Marquess.

EARL SPENCER said, he rose to point out the great difference between the Bill as it stood at present, and the Bill as it came up from the Commons. That fact seemed to be overlooked during the discussion. The modification in question had been introduced to meet some of the hardships which had been brought before their Lordships a few evenings since, and which it was then generally admitted ought to be removed. It appeared to him that what the noble Marquess opposite (the Marquess of Salisbury) wanted was that the landlord should have a power of resumption at any time; but he (Earl Spencer) thought it was not right that the landlord should have the power of resumption in all cases, and the modifications in the Commons showed that the other House were willing to meet the views of that House to a very great extent.

THE MARQUESS OF LANSDOWNE said, the Bill admitted that, on certain conditions, the landlord should have a power of resumption, and while he was sorry they had not gone a little farther, he thought the Amendment of the Government a fair compromise, and one of great value; and he would not, therefore, push his opposition to the clause any further. He could not, however, quite understand the position of the Government as regarded resumption, for the provision referred to in the Amendment deprived the landlord of the power of resumption for 15 years, and that deprivation seemed really to be giving to the tenant the perpetuity of tenure the existence of which had always been denied in the Bill.

On question?

The House being cleared for the Division.

EARL GRANVILLE, remaining seated, said, he would not put their Lordships to the trouble of dividing. It was clear that noble Lords opposite were prepared to follow the lead of the noble Marquess opposite (the Marquess of Salisbury) whenever he desired it; and he would not, therefore, impose upon their Lordships a needless trouble. He said this because he wished their Lordships to understand that if the Government did not divide the House on the

Amendment and on the numerous Amendments of the noble Marquess, it was not because they agreed with them, but because it was useless to divide in the present state of the House, and to give their Lordships the needless trouble of walking out and in to the House again every few minutes.

THE MARQUESS OF SALISBURY said, that the remark of the noble Earl (Earl Granville) seemed to imply that his Friends would follow him (the Marquess of Salisbury) blindly in the course he was taking. He could assure the noble Earl they were as incapable of following him blindly, as he was incapable of acting without due consultation with them.

Resolved in the affirmative.

Lords Amendment, in page 9, line 14, leave out ("may, if it think fit,") and insert ("shall, if the landlord so requires,") *disagreed to* by the Commons, *not insisted on*.

Lords Amendment, in page 9, line 16, *amended* by the Commons as follows:—In lines 6 and 7, after "made," insert "and substantially maintained;" and after "landlord," leave out "or," and insert "and."

On the Motion of The Marquess of SALISBURY, Commons Amendments to the said Lords Amendment further *amended*, by substituting the words ("or acquired, and have in the main been upheld" for ("and substantially maintained;") leaving out ("and,") and inserting ("or;") and in line 8, after ("not,") inserting the words ("made or acquired.")

Lords Amendments, in page 9, line 39, leave out from ("term") to ("in") in line 41, and insert ("and on any such application no rent shall be made payable;") and in line 42, after ("title,") insert ("during such statutory term,") *disagreed to* by the Commons, and which were further amended, so as to restore the sub-section (8) as follows:—

"No rent shall be allowed or made payable in any proceedings under this Act in respect of improvements made by the tenant or his predecessors in title, and for which in the opinion of the court, the tenant or his predecessors in title shall not have been paid or compensated by the landlord or his predecessors in title,"

—*not insisted on*.

Moved, At end of the sub-section add—

("Provided that the court shall take into consideration the time during which such tenant

may have enjoyed the advantage of such improvements, and also the rent at which such holding has been held, and any benefits which such tenant may have received from his landlord in consideration, expressly or impliedly, of the improvements so made.")—(*The Marquess of Salisbury.*)

LORD CARLINGFORD said, that he could not accept the Amendment, for nothing was more important in the whole range of the Bill than that security should be given to the tenant for the value of his improvements. In England they could scarcely realize what was meant by an Irish tenant making permanent outlay upon another man's land. For the interest of all parties, everything should be done to induce the tenant to invest labour and capital on his holding with as much confidence as if the land were his own. If he did he would confer the most essential benefits not only upon himself, but upon the landlord and the country. The Government believed the provision was now in the best shape by far that it had yet attained, and they thought it better not to confine this provision for the security of tenants' improvements to future settlement of rents, but to apply it also to the first settlement under the Bill. He thought the words at present contained in the Bill were quite sufficient to meet the object in view, and they fully secured the landlord against injustice.

On question? *resolved in the affirmative.*

Lords Amendment, in page 9, after line 42, insert as a new sub-section—

"(9.) The rent of a holding shall not be reduced in any proceedings under this Act on account of any money or money's worth paid or given by the tenant or his predecessors in title, otherwise than to the landlord, on coming into the holding,"

—*disagreed to* by the Commons, *not insisted on.*

THE MARQUESS OF SALISBURY said, though it had been decided against, he still remained of opinion that, in some form or other, the principle of his Amendment should be adopted. He should, therefore, propose to move some other words, which he thought would place in more precise form the entire independence which he wished to secure between the rent and the price given for the holding. The point he wished to secure was that, apart from other considerations, the price given for the holding should not affect the rent either

one way or the other. Let the improvements by all means affect the rents as much as they would; but the price given for the holding, whether it varied up or down, ought to have nothing to do with the amount which the landlord had the right to demand for judicial rent, and that in the interest of the tenant no less than of the landlord. It seemed to him that there was no safety for either party unless these two elements were left absolutely apart. He was glad to observe that the Prime Minister had held distinctly the language that the rent would not be affected by the price given for the holding. That might be to the interest of the tenant no less than of the landlord. The tenant might go to the landlord and say—"I have given a great deal for this holding; you must reduce my rent accordingly." But another operation was likely to occur. There would be in the market a mass of saleable holdings; they would fetch less than hitherto; and the landlord might say that, as a tenant paid less than hitherto for his holding, he ought to have his rent raised accordingly. He wished to exclude that operation just as much as the other. He would therefore move an Amendment to the effect that the amount paid for the holding should not of itself, apart from other considerations, be deemed to be a ground for increasing or reducing the rent.

Moved, To insert, in lieu of the new sub-section inserted by the Lords after line 42, to which the Commons have disagreed, the following words:—

("The amount of money or money's worth that may have been paid or given for the tenancy of any holding by a tenant or his predecessors in title otherwise than to the landlord or his predecessors in title shall not of itself apart from other considerations be deemed to be a ground for reducing or increasing the rent of such holding.")—(*The Marquess of Salisbury.*)

LORD CARLINGFORD said, he must point out to the noble Marquess (the Marquess of Salisbury) that under those words there would still be cases in which it might be the duty of the Court to consider, as a part of the facts of the case, the price that the tenant had given to his predecessor. He did not, of course, mean that the rent was to be reduced, because the tenant in question had chosen to give any extravagant or any particular price to his predecessor for the tenant right; but those payments would con-

stantly cover and represent the permanent improvements on the farm; and, taking it in that way, it might be quite possible that unless they took the utmost care in framing those words they should contradict their own convictions with respect to the sanctity of the tenant's improvements. If he had bought them of his predecessor, he was in the same position as if he had made them himself. It was conceivable that the rent might afterwards be raised so as to confiscate these improvements. The Court, in fact, might find that the existing rent had been in part a charge upon the value of those improvements. It was difficult to frame an Amendment of this kind, and in the opinion of the Government it was totally unnecessary. They meant to adhere to their own form of words. The noble Marquess had not dealt with the case formerly put to him of a payment being made by the incoming tenant with the distinct privity of the landlord.

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Resolved in the affirmative.

Lords Amendment, in page 11, line 12, leave out from ("and") to ("considering") in line 14, *disagreed to* by the Commons, *insisted on*.

Lords Amendments, in page 13, lines 31 and 32, leave out ("immediate landlord for the time being,"), and insert ("landlord being a limited owner"); and in line 34, leave out ("next superior"), and after ("being") insert ("succeeding to him in estate"), *disagreed to* by the Commons.

EARL CAIRNS, in moving that the Amendments be insisted on, maintained that as, on the termination of a lease, the tenant ought to give up possession to the landlord, still more did that principle apply to middlemen, under whom other persons were in possession of the land.

Moved, "That this House doth insist on the said Amendments made by this House, to which the Commons have disagreed."—(*The Earl Cairns.*)

LORD CARLINGFORD said, it was quite impossible to except sub-tenants from the whole of the provisions and protection of the Bill, which would be the effect of the Amendment. The sub-tenants in question would have been lawfully created under leases which did not forbid sub-letting; and the superior landlord in these cases would, by his own act, have been a party to the creation of sub-tenants.

THE MARQUESS OF SALISBURY remarked, that the Government, by their arguments, seemed to proceed on the

assumption that the interests of the landlord were of the very smallest importance, and need not be considered. When those leases were originally granted, what was there to induce the landlord to believe that, in 1881, there would arise such a political power as would force the Government to abandon all principles of political economy, and set aside the rights of property which had hitherto been held good? It was impossible that he could have foreseen such a contingency and taken precautions against it. Therefore, the superior landlord was dealt with in a peculiarly hard manner by the provisions of the Bill for acts which had been omitted by the middlemen.

EARL GRANVILLE said, the noble Marquess (the Marquess of Salisbury) reproached Her Majesty's Government with not considering the interest of the landlords. He was bound to say, on behalf of his Colleagues in "another place," that they had, in the late discussions, tried to draw a just balance between the landlords and the tenants, and had, in the interests of the landlords, opposed a great many propositions which were made against them. On the other hand, he (Earl Granville) was not aware that the noble Marquess had moved a single Amendment or delivered a single speech in favour of the tenants.

THE LORD CHANCELLOR said, he thought it would be unwise to reject the Commons' proposal. The only argument which they had heard from the noble Marquess opposite (the Marquess of Salisbury) in favour of the Amendment was, that when, many years ago, the leases were created, the landlord did not foresee that any such Bill as this would be introduced into Ireland. Of course, they did not; but political circumstances which until that evening, he thought, had been recognized by the majority of their Lordships, had made it seem necessary for the social good of that country that the occupying tenants should have the advantages intended for them by this Bill; and what their Lordships were really asked to do was to take a large number of tenants holding under middlemen leases entirely out of the benefit of the Act. To omit a large class of these occupying tenants was to exhibit a total forgetfulness of all the objects and principles of the Bill. He

sincerely hoped their Lordships would not persevere with this Amendment.

On question? *resolved in the negative.*

Commons Amendments to Lords Amendment, in page 14, after Clause 15, insert Clause (B), and which Amendments were as follows:—In line 2, insert “in common with other persons;” in lines 3 and 4, leave out “in common with other persons;” in lines 5 and 6, leave out “which right is in this section referred to as a common right;” and in line 14, insert “express or implied” —*agreed to.*

Lords Amendment, in page 14, line 13, leave out from (“the”) to the end of the clause, and insert—

(“Portion of any holding so let does not exceed half an acre in each case, and that the total number of such lettings of portions of a holding does not exceed one for every twenty-five acres of tillage land contained in the holding”).

—*not insisted on.*

Lords' Amendment, in page 15, leave out sub-section (3), *not insisted on.*

Lords Amendment, in page 16, line 9, leave out from (“Provided”) to (“that”), in line 14, *disagreed to* by the Commons, and section restored with Amendments, as follows:—

“Provided that at the expiration of such existing leases the lessees, if bonâ fide in occupation of their holdings, shall be deemed to be tenants of present ordinary tenancies from year to year, at the rents and subject to the conditions of their leases respectively, so far as such conditions are applicable to tenancies from year to year; but this provision shall not apply where a reversionary lease of the holding has been bonâ fide made before the passing of this Act; and provided also that where it shall appear to the satisfaction of the Court that the landlord desires to resume the holding for the bonâ fide purpose of occupying the same as a residence for himself, or as a home farm in connexion with his residence, or for the purpose of providing a residence for some member of his family, the Court may authorise him to resume the same accordingly, in the manner and on the terms provided by the fifth section of this Act with respect to the resumption of a holding by a landlord: Provided always, that if the holding resumed shall be at any time within fifteen years after such resumption relet to a tenant, the same shall be subject, from and after the time of its being so relet, to all the provisions of this Act which are applicable to present tenancies.”

THE MARQUESS OF LANSLOWNE, in moving to insist on the Lords' Amendment, said, he would remind their Lordships he had moved it when the Bill was in Committee, and he saw no sound

reason why it should not be insisted upon. If a landlord wished to covenant in his lease for a right of re-entry at the expiration of the term, he should be allowed to exercise that right, and deal with the tenancy in such a manner as appeared just to him in the interests of the estate.

Moved, To insist upon the said Amendment to which the Commons have disagreed.—(*The Marquess of Lansdowne.*)

LORD CARLINGFORD said, he wished to remind their Lordships of the changes which the Government had introduced into the provision under consideration. The matter had been very carefully considered with a view to provide against the difficulty of hard cases that might arise as against the landlords, and what they had done was this.—They had, first of all, attached to these cases the landlord's right of resumption for reasons founded on the good of the holding or estate, or for public purposes as defined in the Bill; but they had gone further than that, because they now proposed to provide that the landlord, at the termination of the existing lease, should have the right, under the sanction of the Court, to resume the farm, either for the purpose of his own residence, or for the purpose of a home farm, or for the use of any member of his family. They believed it would be difficult to conceive a case of hardship which would not be sufficiently met by the clause in its present form. He thought, on the other hand, that if the Amendment was persisted in, a great injustice would arise under certain circumstances.

THE MARQUESS OF SALISBURY said, he should vote with the noble Marquess (the Marquess of Lansdowne) if he persisted in his Motion. He (the Marquess of Salisbury) wished to point out that there were three objects which a lessor might desire in reference to his land when a lease fell in. He might desire to take the management of the land into his own hands; he might desire to have it for building purposes; or he might desire to re-arrange and re-let it, with a view to its being cultivated in a more remunerative manner. He could not allow that the clause, even with the alterations that had been introduced into it as regarded the landlord's power of resumption, satisfied the just claims of the landlords. It was said that the ten-

ants of Ireland were in a condition of *status*, and not in one of contract, and by that statement the Government justified their interference in the relations between landlord and tenant. But the tenants who would be affected by the Amendment had deliberately taken themselves out of the condition of *status* and put themselves into that of contract, most of them being as competent to contract as the Members of that House. To give in these cases special rights of occupancy to persons who had solemnly engaged to restore the land to the lessor at the end of their leases would be very unjust. Words might possibly be introduced into the Bill by which to distinguish between landlords who would suffer hardship under this clause and those who would not.

THE MARQUESS OF WATERFORD thought there were two points of view from which this clause must be looked at—one, the Imperial point of view, and the other the Irish. As regarded the Imperial point of view, he quite agreed with the noble Marquess (the Marquess of Salisbury) that it was iniquitous that contracts entered into between parties able to contract should be allowed to be broken up, and that the right of re-entry at the termination of a lease should be done away with. However, from an Irish point of view, the great difficulties and injustices which the clause presented would be got over, more or less, by the arrangement now proposed by the Government, because a landlord would not be prevented from regaining possession of a holding at the end of a lease, if he wished to do so for his own occupation, and would only be prevented from doing so, if he wished to let the holding to a tenant with a view of making him a future tenant. For himself, he could not see any great difference between a present and a future tenant; and, therefore, he hoped that the noble Marquess (the Marquess of Lansdowne) would not press his Amendment.

THE LORD CHANCELLOR said, that if the Amendment were adopted their Lordships would be refusing to lessees out of Ulster rights analogous to those which would still exist in the Province.

EARL CAIRNS said, he was in favour of the Lords' Amendment to the clause.

THE EARL OF COURTOWN supported the Government.

The Marquess of Salisbury

On question? *resolved in the affirmative.*

Lords Amendment, in page 16, leave out lines 24 to 36 inclusive, *disagreed to* by the Commons, *not insisted on.*

On the Motion of THE EARL CAIRNS, the following Amendment *added* to the end of sub-section as restored:—

("Any person aggrieved by the decision of the Court in any proceedings under this section may appeal to Her Majesty's Court of Appeal in Ireland, and the decision of such Court of Appeal shall be final and conclusive.")

Lords Amendment, in page 19, line 12, leave out from ("who") to ("pay") in line 14, *disagreed to* by the Commons, *not insisted on.*

On Commons consequential Amendment:—Line 18, at the end of sub-section (3) insert—

("The condition as to three-fourths of the number of tenants may be relaxed on special grounds with the consent of the Lords Commissioners of the Treasury, but so that in no case less than half the number of tenants shall be able and willing to purchase.")

EARL CAIRNS said, the necessity for the consent would hamper the Commissioners; but he looked upon this part of the Bill as illusory, because there was another clause which made the Treasury masters of the subject. They knew very well that the Treasury would not grant the money. The provision that a certain number of tenants should agree to purchase was also a pure delusion; because if the Commissioners went and asked the tenants if they desired to buy, they would naturally ask the price they would have to pay, and the Commissioners would not be able to tell them.

LORD CARLINGFORD said, the noble and learned Earl (Earl Cairns) had made a new discovery—namely, that the administrative words in the Bill which were intended to give certain powers to the Treasury gave it the power to dictate. Were they to be told that this part of the Bill had been made illusory and fictitious on purpose? Such a suggestion was one that ought not to be made in that House. The Government intended that this part of the Bill should be as operative as any other part of it. They regarded it as a very important matter, and great care had been taken in framing the clause. It was not to be supposed that the Government would

allow the Treasury to dictate to them the policy they were to pursue.

THE MARQUESS OF SALISBURY said, no imputations were made as to the intentions of the Government; but what they said was that the Treasury, in the exercise of the power given to them, would practically defeat the object of the clause. If he was not mistaken, it was the Treasury who defeated the Bright Clauses in the last Land Act, for they were rendered inoperative by the jealousy of the Board of Works in Ireland, which Board was, in reality, under the control of the Treasury. The Government might be superior to the power of the Treasury; but he doubted it very much, and he should watch with great interest how they worked these clauses. They might not desire to make these clauses illusory; but they certainly had not shown much zeal in their efforts to make them effective. It was only by creating a large number of tenant proprietors in Ireland that they could create that conservative feeling which was so greatly wanting; and unless Her Majesty's Government could approach the subject in a spirit worthy of its importance, he feared they would never advance a single step towards the end they had in view—namely, making the Irish people attached to the English Government.

EARL SPENCER said, Her Majesty's Government attached as much importance to the Purchase Clauses as the noble Marquess opposite (the Marquess of Salisbury) seemed to do, and they had shown their earnestness by what they had done on this subject. He hoped that these clauses would be more operative than the Bright Clauses of the Act of 1870, and he believed that that would be the case, as the purchases would not be made in the ordinary way in the Encumbered Estates Court. One of the reasons why the Bright Clauses of the last Act failed was because there was nobody properly appointed to make purchases which had to be effected through the Landed Estates Courts. Under the Irish Church Act no such difficulty arose, and he should be very much surprised if the Treasury succeeded in defeating the objects the Government had in view.

Commons' consequential Amendment agreed to.

Lords Amendment, in page 25, leave out sub-section (1) and (2) of Clause 31, *disagreed to* by the Commons.

LORD EMLY asked how the Court could possibly satisfy itself as to the prospects of the purchasers, and moved to omit the words after the word "loss."

Moved, That this House doth not insist on the Amendment made by this House in page 25, to which the Commons have disagreed, but propose in line 16, to leave out from ("loss") to the end of the sub-section.—(*The Lord Emlý*.)

On question? *resolved in the affirmative*.

Lords Amendments, in page 31, line 1, after ("may") insert—

("In case it thinks fit, permit any party aggrieved by the decision of the Land Commission in any proceedings to appeal in respect of any matter arising in such proceedings to Her Majesty's Court of Appeal in Ireland and may;")

and in line 7, after ("such") insert ("matter or"), *disagreed to* by the Commons.

Moved, That this House doth not insist on the said Amendments made by this House in page 31, to which the Commons have disagreed, but propose, as a consequential Amendment, in line 6, after ("Ireland,") to insert—

("The Land Commission may also, in case it thinks fit, permit any party aggrieved by the decision of the Land Commission in any proceedings to appeal in respect of any matter arising in such proceedings to Her Majesty's Court of Appeal in Ireland; provided that no appeal from the Land Commission to the Court of Appeal in Ireland shall be permitted in respect of any matter arising under Part V. of this Act, or in respect of any decision as to the amount of fair rent, or any question of value or of damages, or any matter left in the discretion of the Land Commission.")—(*The Lord Chancellor*.)

On question? *resolved in the affirmative*.

Lords Amendments, in page 37, line 31, leave out from ("Act") to ("and") in line 34, *disagreed to* by the Commons, *not insisted on*.

Lords Amendment, in page 37, leave out lines 22 to 30, *disagreed to* by the Commons; and which sub-section, having been restored, had been amended as follows:—

"Whenever within six months after the passing of this Act any action or other proceed-

ing shall be pending or be instituted against a tenant to recover a debt or damages before or after an application to fix a judicial rent, and shall be pending before such application is disposed of, the court before which such action or proceeding is pending, if satisfied that such judicial rent will be fixed within a reasonable time, not exceeding in any case three months, shall have power, upon such terms and conditions as the court may think fit, to stay the sale, under any writ of execution, or any process in such action or proceeding, of the tenancy in respect of which such application is pending, until the termination of the proceedings to fix such judicial rent, or the expiration of three months, whichever shall first happen."

THE MARQUESS OF SALISBURY, in moving that their Lordships should disagree with the Amendment as amended, said, it was the last Amendment with which their Lordships had to deal when in Committee upon the Bill, and it was the Amendment known as Mr. Parnell's, with respect to suspending proceedings until after the fixing of a judicial rent. That Amendment had been somewhat modified in the House of Commons; but it had not affected the objectionable character of the clause itself. Under the clause six months were allowed, and no one who owed money and who claimed a judicial rent could be proceeded against within that period. But how was the Court in which the debt was sued for to know where the tenant might be? In the first place, it meant that all creditors would have to go without their money for nine months, which, in many cases, would be a great trial; and the other result would be that for the first six months the Court would be blocked by those who asked for a judicial rent simply to delay payment of these debts, and that whether they were entitled to a reduction or not. There was nothing in the clause to compensate for these monstrous evils, and he hoped the House would disagree with the Commons' Amendment.

Moved, "That this House doth insist on the said Amendment to which the Commons have disagreed."—(*The Marquess of Salisbury*.)

LORD CARLINGFORD said, he did not think the merits of this proposal ought to be prejudiced by attaching to it, as the noble Marquess (the Marquess of Salisbury) had done, the name of Mr. Parnell. He thought it was a mistake to give colour to, and prepare a bad reception to, a proposal that came from the

other House by attaching to it the name of a Member of that House.

THE MARQUESS OF SALISBURY explained that he had no intention of securing for the proposal either a good or a bad reception by mentioning the name of Mr. Parnell. He mentioned Mr. Parnell's name just as he had mentioned Mr. Bright's name in connection with other clauses, as a convenient way of indicating a well-known clause.

LORD CARLINGFORD said, the Government believed the clause rested on a reasonable foundation, especially now that the term during which the Court might delay processes had been limited to three months. It was merely applying to processes in the Superior Courts a principle which their Lordships had already accepted with reference to proceedings in the Inferior Courts. The provision which the Government wished to see retained in the Bill amounted, as far as the landlord was concerned, to nothing more than a postponement. There was no question of a loss of rent. Nay, it was highly probable that the landlord would be more likely to be paid the arrears due to him if the provision were allowed to stand than if it were not.

EARL CAIRNS said, that the provision was altogether one-sided, and would work much injustice. It was not a question of the landlord only, but of all the creditors, and having to wait for several months might be bankruptcy to some. If they were to protect the tenant against his creditors, they ought to protect the creditors against other suitors.

LORD DENMAN said, if the fixing of the rent were delayed, the tenant would be unable to satisfy any of his creditors, and a decision must cost money.

On question? *resolved in the affirmative.*

Moved, "That a Committee be appointed to prepare Reasons to be offered to the Commons for the Lords disagreeing to certain of their Amendments, and insisting on certain of the Lords Amendments."—(*The Marquess of Salisbury*.)

EARL GRANVILLE: Her Majesty's Government agree to the Motion which has been made by the noble Marquess (the Marquess of Salisbury), and which will be a matter of course in consequence of the proceedings of this evening. I think that perhaps your Lordships would

consider it presumptuous on my part—and I do not know whether I should be doing any good—if I were to insist much on my own great regret, not as a Member of the Government, but as an individual Member of this House, at the constant and continuous manner in which your Lordships on the Opposition side of the House have shown this evening how little you have been influenced on this great and important question by the declarations of the opinions of the immense majority of the Representatives of the constituencies of the United Kingdom. But I may be allowed to say, and this is more agreeable to me, that I have derived considerable satisfaction from the fact with regard to several of my noble Friends behind me—Peers who have been strongly opposed to this measure, which has caused considerable difficulty to the Government in promoting it, and who have expressed their views with great ability—that at this stage of the Bill their conduct has been in marked contrast to that of the noble Marquess and of noble Lords opposite. I cannot help thinking that their conduct has been more logical, more consistent with the course which your Lordships began by taking—more consistent, in fact, with the reasons which the noble Marquess himself adduced in support of the contention that your Lordships should give a second reading to this Bill, and, I may add, more Conservative in the true sense of the word.

THE MARQUESS OF SALISBURY: My Lords, I do not know that it is consistent with the ordinary practice of your Lordships' House that, when you have come to resolutions on important matters, which have been fully debated, and when the determination of your Lordships has been arrived at and recorded, you should be subjected to something which, for want of a better name, I cannot but call a scolding from the noble Earl who leads this Assembly. My Lords, I believe that in the course you have taken this evening you have acted in strict consistency with the principles which you have avowed from the beginning. You have not interfered with the main principle of the Bill. You have merely sought to protect individuals and individual interests from hardship and oppression which were threatened against them by the action of the Bill. You have sought, in more

than one instance, to make the Bill more exactly conformable to the arguments by which it has been recommended to you from the Treasury Bench, and to the declarations by which it was introduced. Above all—and this has been the scope of nearly all the Amendments on which your Lordships have insisted—you have sought to keep the Bill in the same shape in which Her Majesty's Government, on their own responsibility, introduced it to the House of Commons as a Bill to which they had then given the fullest attention, and which they believed to be adapted to meet the circumstances of the case. My Lords, your objections, made, as I think, not in any spirit of antagonism to the Bill, have not been met by a corresponding spirit indicating a desire either to respect your Lordships' opinions, or to promote an amicable and conciliatory settlement of the question. But such as the conduct of the Government has been in respect to this Bill, and such as the conduct of your Lordships has been, the conduct both of the Government and of your Lordships must be submitted to the judgment of the country, which is superior to both, and the country will recognize in your action a desire to protect individual right and time-honoured legal and Constitutional principles against violent innovation and temporary passion, which has been the principal function from the first of your Lordships' Chamber, and which I trust to the end you will boldly and manfully fulfil.

On question? *resolved in the affirmative.*

The Committee to meet forthwith.

CUSTOMS DEPARTMENT—OFFICERS AT OUTPORTS.—QUESTION.

THE EARL OF MOUNT EDGCUMBE asked, Whether a memorial signed by 100 collectors of customs at the outports, and forwarded to the Lords of the Treasury on the 20th of November last, has yet been taken into consideration; and, if so, when the memorialists will probably be made acquainted with their Lordships' decision?

LORD THURLOW, in reply, said, that the Treasury had so recently as 1879 settled, in connection with the Board of Customs, a scheme for the clerical service of the ports. The Board of Customs did not, however, consider it neces-

sary, as a part of that revision, to submit to the Treasury any change in the salary and position of the collectors. Their present appeal to the Treasury was founded upon the alteration made in their relative positions. The cost of the clerical service at the ports had already been most seriously increased—by not less than £1,000 a-year. The Treasury would certainly consider, before they presented another Estimate to Parliament, whether any change ought to be made in the salaries or otherwise of the collectors; but it must be well understood that the Lords of the Treasury would be guided in their decision by no consideration whatever except the efficiency and discipline of the service—apart from which they could give no weight to comparisons between what was at one time and what was now the remuneration of different classes. He feared it was not in his power to give the noble Earl any further information on this subject; but he trusted he would gather from his reply that the Memorial to which he had referred had certainly not escaped the serious attention of the Department to which it was addressed.

House adjourned during pleasure at 12.15 A.M.

House resumed at 12.55 A.M.

The Lord MONSON—Chosen Speaker in the absence of The Lord CHANCELLOR and The Lord COMMISSIONER.

LAND LAW (IRELAND) BILL.

Report from the Committee of the reasons to be offered to the Commons for the Lords disagreeing to certain of their amendments, and insisting upon certain of the Lords amendments to which the Commons have disagreed; read, and agreed to; and a message sent to the Commons to return the said Bill with amendments and reasons.

REASONS OF THE LORDS FOR DISAGREEING TO CERTAIN OF THE COMMONS' AMENDMENTS AND FOR INSISTING UPON CERTAIN OF THE AMENDMENTS TO WHICH THE COMMONS HAVE DISAGREED.

The Lords disagree to the Amendment made by the Commons to the Lords' Amendment in page 2, line 5, which inserts ("and substantially maintained") for the following Reason:—

Because the words "substantially maintained" might be construed to exclude cases to which it is apparently the desire of both Houses that the Clause should apply;

Lord Thurlow

but the Lords propose to insert in lieu thereof the words ("or acquired and have in the main been upheld") and in the next line to leave out the first ("and") and insert "or."

The Lords insist on their Amendment in page 6, lines 3 and 4, to which the Commons have disagreed, for the following Reason:—

Because it is essential that there should be no doubt that, during the continuance of a statutory term, mines and minerals, coals, and coal-pits are the exclusive property of the landlord, and that the tenant should have express notice thereof; but the Lords propose to leave out from ("coal-pits") in line 3 of the said Amendment to ("shall") in line 8.

The Lords insist on their Amendment in page 6, line 8, to which the Commons have disagreed, for the following Reason:—

Because there is apparently no ground for giving any preference to the landlord who is desirous of increasing his rent.

The Lords insist on their Amendment in page 6, line 37, to which the Commons have disagreed, for the following Reason:—

Because their Lordships consider it necessary to impose a closer limit upon sums to be given as compensation for disturbance.

The Lords insist on their Amendment in page 8, line 20, to which the Commons have disagreed, for the following Reason:—

Because the words are wholly unnecessary for the purposes of the clause; are likely to raise unfounded expectations in the minds of some classes in Ireland; and may give rise to misapprehension on the part of the Court.

The Lords insist on their Amendment in page 8, line 23, to which the Commons have disagreed, for the following Reason:—

Because it is expedient that the tenant should be made aware by an express declaration that in the case of his causing or suffering his holding to become deteriorated, contrary to the express or implied conditions constituting his contract of tenancy, the Court may refuse an application to fix a fair rent unconditionally or conditionally;

but propose to omit from their Amendment the words ("or his predecessors in title") and the words ("or have").

The Lords insist on their Amendment in page 8, line 35, to which the Commons have disagreed, for the following Reason:—

Because it is very desirable that the power of resumption should be subject to as little restriction as is consistent with the interests and claims of the occupiers; and propose as a consequential Amendment to leave out from ("conditions") in line 34 to the end of line 35.

The Lords disagree to the Amendment made by the Commons to the Lords' Amendment in page 9, line 16, which inserts ("and substantially maintained") for the Reason assigned for disagreeing to the Amendment in page 2, line 5.

The Lords insist on their Amendment in page 11, line 12, for the Reason given for insisting on the Amendment in page 8, line 20.

The Lords insist on their Amendment in page 16, line 9, to which the Commons have disagreed, for the following Reason:—

Because it is unjust that those who have covenanted to give back possession of land to a lessor on termination of a lease should be relieved by Parliament from the obligation of doing so without any compensation being provided for the lessor.

The Lords insist on their Amendment in page 39, lines 22 to 30, to which the Commons have disagreed, for the following Reason:—

Because it is inexpedient and unjust to creditors to postpone the time for the recovery of their just debts without relieving them from the public or private obligations to which they are themselves liable.

With the preceding exceptions the Lords do not insist on their Amendments to which the Commons have disagreed and agree to the Amendments made by the Commons to the Lords' Amendments and to the Commons' consequential Amendment to the Bill.

House adjourned at One o'clock A.M.,
to Monday next, a quarter
before Five o'clock.

HOUSE OF COMMONS,

Friday, 12th August, 1881.

MINUTES.] — PUBLIC BILLS — *Resolution*
[August 11] *reported* — Solent Navigation
[Expenses] *.

Ordered—First Reading—Pollen Fishing (Ireland) * [248].

First Reading—Discharge of Contumacious Prisoners * [250].

Committee—Report—East Indian Railway (Redemption of Annuities) * [244]; Consolidated Fund (No. 4) *.

Committee—Report—Third Reading—Pedlars (Certificates) [234], and *passed*.

Third Reading—National Debt [243], and *passed*.

QUESTIONS.

HIGHWAY RATES—ASSESSMENT AND POWER OF COMPOUNDING.

MR. HICKS asked the President of the Local Government Board, Whether, having in view the loss and inconvenience caused to Surveyors of Roads by the repeal of the 13th and 14th Vic. c. 99, by which owners of small tenements have been liable for payment of Highway Rates, he will not reconsider his decision, announced on 19th July, and

bring in, at the commencement of next Session, a short Bill to place the owners of small tenements in the same position as regards Highway Rates as they now are as regards Poor Rates, instead of waiting for a larger measure which might give rise to long debates?

MR. DODSON: Sir, on July 19 I stated that I hoped to deal with the making and collection of rates next year. Should this be found impracticable, I shall not be indisposed to consider the propriety of bringing in a Bill to place the owners of small tenements in the same position in relation to highway rates as they stand in regard to poor rates.

POOR LAW (IRELAND)—REMUNERATION OF POOR RATE COLLECTORS.

MR. BIGGAR asked the Chief Secretary to the Lord Lieutenant of Ireland, Is he aware that the Poor Rate collectors get ninepence in the pound commission, while efficient collectors could be had for fourpence in the pound; is the clerk to the union justified in refusing to inform a guardian when asked by him at the sitting of the Board at what time the poundage was raised to its present rate; and, is it beyond the power of a majority of a Poor Law Board to supersede a Poor Rate collector, or to lower the scale of payment if the guardians consider it too high?

MR. W. E. FORSTER, in reply, said, the Local Government Board did not know of any case in which the Guardians paid 9d. in the pound commission. If the hon. Member would supply him with the facts, he would make an inquiry. The last part of the hon. Gentleman's Question he must answer in the affirmative.

ARMY (INDIA)—ROMAN CATHOLIC CHAPLAINS.

MR. A. MOORE asked the Secretary of State for India, Whether his attention has been called to the position of Roman Catholic chaplains serving the troops in India; whether it is a fact that, in addition to their being paid on a scale very much lower than that of their Protestant and Presbyterian colleagues, they are also declared disentitled to any leave, whether sick leave or privilege leave, or furlough whatsoever; whether this regulation is so strictly enforced that, when ordered

from one station to another, all allowances cease from the moment of departure from the one to arrival at the other; whether there is any parallel for such treatment amongst any of the civil, military, or uncovenanted servants of Government in India; whether it is also the case that no provision is made for pension or retiring allowance, no matter what the length of service may be; and, whether he will take steps to remedy these grievances?

THE MARQUESS OF HARTINGTON: Sir, the arrangements for the performance of all religious services for the Roman Catholic soldiery in India are made by the Archbishop or other Provincial head of that Church. All the personal details are managed by him, and it is he who deposes the several priests for the duties. For this superintendence and for the maintenance of registers of marriages, burials, &c., in Roman Catholic chapels, he receives a monthly allowance from the State, and this allowance has been increased within the last three or four years. The executive duties are paid for according to the number of Roman Catholic soldiers and Government servants in the garrison. The priests employed on these duties are not appointed by the Government, and they are liable to be removed or exchanged by their Bishop without any formal reference to the Government. They are thus on a totally different footing from Church of England or Presbyterian chaplains, inasmuch as they belong to no establishment, and are not Government servants, either covenanted or uncovenanted. No comparison can, therefore, be sustained. The services of the Roman Catholic priests being neither personally continuous nor at the permanent disposal of the State, neither leave rules nor pension rules would be applicable to them. The non-application of such rules cannot, under these circumstances, be rightly considered a grievance, neither can it be a grievance that, as individuals, they receive remuneration on a lower scale than those who are bound by strict conditions to the service of Government in India.

CHINA—THE OPIUM TRADE.

MR. A. PEASE asked the Secretary of State for India, Whether Her Majesty's Government have information

Mr. A. Moore

confirming the statement of the "London and China Telegraph" of the 8th instant, that the Chinese Government have decided to increase the tax on foreign opium, and to levy a tax on native opium; and, whether Her Majesty's Government consider that the Chinese Government is free to levy what duties it pleases upon opium, imported and native?

SIR CHARLES W. DILKE: Sir, Her Majesty's Government have received information that an increase of inland tax on opium is under the consideration of the Chinese Government; but not that such increase has been decided upon. They have no information as to a tax on Native opium. The Chinese Government are free to levy what duties they please on Native opium. Foreign opium, after it has left the importer's hands and is carried inland by the Chinese purchaser, is liable to such a taxation as the Chinese Government may think fit to impose upon it.

POST OFFICE—TELEPHONE POSTS AND WIRES.

MR. W. H. SMITH asked Mr. Attorney General, Whether posts and wires erected for the purpose of conveying telephonic messages under the licence of the Postmaster General are under his charge; and, whether it is the duty of the local authorities to see that no nuisance is created by the erection of such posts and wires, and that they are properly maintained?

THE ATTORNEY GENERAL (SIR HENRY JAMES): Sir, the licence mentioned in the Question of the right hon. Gentleman is granted by the Postmaster General to the Telephone Companies for the purpose only of enabling them to convey messages for payment, without infringing the exclusive right of the Postmaster General to transmit such messages. No doubt there is power in the Postmaster General to permit by agreement the Telephone Companies to use the telegraphic posts and wires vested in him; but at present, I believe, no such agreement has been entered into—certainly none in the Metropolis. The result is that the Telephone Companies, not having any protection by statute, are subject to the Common Law liability, which would prevent their erecting or maintaining any posts or wires so as to constitute a nuisance on or over any

highway, and the duty of protecting the public interest would fall on the local authority. If the Postmaster General should hereafter permit the Telephone Companies to use any posts or wires vested in him, he will, of course, take care that they are properly maintained, so as not to inconvenience the public.

LANDLORD AND TENANT (IRELAND)— RETURN OF AGRICULTURAL HOLDINGS.

MR. ANDERSON (for Mr. SEELY) asked the Chief Secretary to the Lord Lieutenant of Ireland, if his attention has been drawn to the statement in a Paper presented by command of Her Majesty to Parliament, entitled "The Agricultural Statistics of Ireland for the year 1880," that the number of holdings is 574,222, and by another Paper presented by command of Her Majesty to Parliament, entitled "Return of Agricultural Holdings in Ireland compiled by the Local Government Board in Ireland from Returns furnished by the Clerks of the Poor Law Unions in Ireland in January 1881," the total number of agricultural holdings is stated to be 660,185; and, if he can give the House any explanation of the difference between these two Returns?

MR. W. E. FORSTER, in reply, said, he had communicated with the Registrar General with respect to the difference between the two Returns referred to, but had not yet received the required information. Perhaps the Question would be repeated on a future day.

CENTRAL ASIA—RUSSIAN ADVANCES.

MR. E. STANHOPE asked the Under Secretary of State for Foreign Affairs, Whether it is not the fact that Persia claims a considerable portion of the territory recently annexed by Russia in Central Asia; whether any remonstrances on the subject have been addressed by Persia to Her Majesty's Government; and, whether it is true that Russia has refused to allow any representative of this Country to be present at the approaching delimitation of the new Russo-Persian frontier.

SIR CHARLES W. DILKE: Sir, in answer to the first clause of the Question, I have to say that we are not aware that that is so. No remonstrance on the subject has been addressed by that Power to Her Majesty's Government; and no

proposal has been made to Russia, or refused by her, for the presence of a British Representative at the delimitation of the new Frontier.

FOREIGN LEGISLATIVE ASSEMBLIES (OATHS AND PROCEDURE.)

MR. LABOUCHERE asked the Under Secretary of State for Foreign Affairs, Whether he would instruct Her Majesty's Representatives abroad to report upon the political oaths or affirmations exacted from the Members of Foreign Legislative Assemblies, and upon the mechanical modes by which votes are taken in Foreign Legislative Assemblies; and, whether he would lay these Reports, when obtained, upon the Table of the House?

SIR CHARLES W. DILKE: Sir, there will be no objection to calling for the Reports which my hon. Friend requires.

THE MAGISTRACY—THE EVIDENCE FURTHER AMENDMENT ACT, 1869— REFUSAL OF MAGISTRATES AT BIR- MINGHAM TO ALLOW A WITNESS TO AFFIRM.

MR. LABOUCHERE asked the Secretary of State for the Home Department, Whether his attention has been called to a report in the "Birmingham Gazette" of the 6th instant, of the conduct of Mr. W. M. Ellis and Mr. John Lowe, in refusing, when sitting as magistrates at the Birmingham Police Office, to allow a witness to give evidence because he asked to be allowed to affirm; and, whether he contemplates taking any notice of this conduct on the part of the aforesaid magistrates?

SIR WILLIAM HARCOURT, in reply, said, he observed that an almost similar Question was asked him by the Colleague of his hon. Friend (Mr. Bradlaugh) on the 17th of August last year. He must repeat the answer he then gave. This Question and many others put to him were founded upon an entirely erroneous view of the office and functions of the Secretary of State for the Home Department. Some people, and he was surprised to find among them some hon. Members, had a notion that he had got a general power to direct magistrates and Judges as to how they ought to conduct judicial investigations. The Home Secretary had no such power. The

fundamental principle of the Constitution of this country was the independence of judicial officers, and the absence of any control of the Executive Government over the actions of the Judicature; and yet he was constantly asked if he had seen what such and such a justice had done, and if he would undertake to set the decision aside. If he undertook any such function he would do that which he was forbidden to do by the Constitution. The only office of the Secretary of State was to advise the Crown as to the exercise of the prerogative of mercy. He had made these observations generally, because he was constantly being plied with Questions of this kind. In reference to this particular Question, he had to say that if any magistrate or Inferior Court admitted evidence which ought not to be admitted, or refused to receive evidence which ought to be admitted, that was a matter that could be corrected, and only corrected, by a Superior Court of Law, upon the interpretation of the statute.

MR. LABOUCHERE asked the right hon. and learned Gentleman whether it was not the case that the Lord Chancellor could dismiss any magistrate, and who was responsible in that House for the action of the Lord Chancellor?

SIR WILLIAM HARCOURT said, the Lord Chancellor could dismiss a magistrate for proved misconduct, for conduct of a corrupt or dishonest character; but he could not do so for an error in the interpretation of the law. As to who was responsible for the action of the Lord Chancellor, that was a Question which he was not prepared to answer off-hand.

MR. LABOUCHERE asked whether ignorance, when it amounted to the extent shown in his Question, was not a reason of itself for removing a magistrate from the commission of the peace?

[No answer was returned.]

EXPLOSIVES ACT—REGULATION AS TO MINERS MAKING CARTRIDGES IN THEIR HOMES.

MR. MACDONALD asked the Secretary of State for the Home Department, If, considering that there is a strong feeling of antagonism in many of the mining districts against the regulation under the Explosives Act prohibiting the miners from making cartridges in their dwellings, or contiguous thereto, for

purposes in their employment, he will direct the inspectors of the various mining districts to report as to whether the regulation has led to a prevention of the destruction of life and limb in their respective districts?

SIR WILLIAM HARCOURT, in reply, said, he had received a Report from Major Ford, Inspector of Explosives, on the subject of this Question, from which it seemed that the regulation referred to was very necessary, and that serious accidents had arisen in consequence of a neglect of it. He would be happy to show the Report to the hon. Member.

STATE OF IRELAND—"BOYCOTTING."

LORD ARTHUR HILL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is aware that there are hundreds of acres of meadow land, which are so called "Boycotted," that no one dare work on these meadows, no matter what rate of wages are offered; and, whether the Government intend to take any measures to prevent such wanton waste of property?

MR. W. E. FORSTER, in reply, said, he was aware that there was what was called "a strike" among the agricultural labourers in certain parts of Ireland, and the Government had directed their close attention to the matter with the view of preventing any breach of the peace. He must, however, ask the noble Lord not to put general Questions on the subject, but to point to some particular case, when he should be happy to give him a precise answer.

ARMY ORGANIZATION—RETIRING OFFICERS.

SIR WALTER B. BARTTELOT asked the Secretary of State for War, Whether Colonels who held that rank before October 1877 will receive on retirement the fair actuarial value of their prospective succession to an Honorary Colonelcy of a regiment; whether it is the case that it has been conceded that Lieutenant Generals and Major Generals retired for non-employment under the maximum age, for remaining on the active list in their respective ranks, and whose retired pay is reduced by £10 a-year for every year under the maximum, will be permitted to receive the full rate of retired pay when they reach the maximum age; and, whether there

Sir William Harcourt

will be any objection to General Officers retired as such under the Warrant of 1877 on account of their having reached the age of seventy being allowed the actuarial value, in the form of an annuity, of their present unattached pay and prospective pay as Honorary Colonels of a regiment?

MR. CHILDERS: Sir, in reply to the first Question, I have to say that the officers referred to will receive the fair actuarial value of their former prospect to succeed to the unattached pay of a general officer, and ultimately to an honorary colonelcy, less, of course, their gains under the new Warrant. My answer to the second Question is also in the affirmative with respect to lieutenant generals and major generals on the active list on the 1st of July; but this rule will under no circumstances apply to general officers retiring voluntarily or to future general officers. As to the third Question, I have well considered my hon. and gallant Friend's suggestion; but it seems to me that it might raise an awkward precedent to alter the emoluments of an officer who has actually retired, and whose position is in no way affected by the new Warrant, and I fear it cannot be adopted.

SIR WALTER B. BARTELOT said, this was a very important matter, and he hoped the right hon. Gentleman would give it his serious attention.

MR. CHILDERS: That I will promise to do.

ARMY PROMOTION—COMBATANT OFFICERS.

COLONEL ALEXANDER asked the Secretary of State for War, If he would explain why, as combatant officers have recently been promoted in large numbers, without calling for Reports of General Officers on their efficiency, such a course was considered necessary in the case of Quartermasters only?

MR. CHILDERS: Sir, in reply to the hon. and gallant Colonel, I have to inform him that there was no difference made as to the Reports on combatant officers and on quartermasters. Reference was at first made to the annual confidential Reports, and where they raised any doubt special Reports were called for in the cases of some regiments abroad by telegraph. The result was that all the promotions of combatant officers were settled in *The Gazette* of July 26,

and the appointments of quartermasters to the rank of captain will be shortly gazetted. As I said yesterday, the promotion of these quartermasters will date from the 1st of July.

THE ADMIRALTY—THE FIRST LORD OF THE ADMIRALTY.

SIR H. DRUMMOND WOLFF asked the First Lord of the Treasury, Whether Her Majesty's Government will consider the expediency of transferring the functions of First Lord of the Admiralty to a gentleman enjoying the confidence of the Government, together with a seat in this House, so as to avoid the inconvenience occasioned by the absence of the responsible head of a principal spending Department in the discussion of the Estimates?

MR. GLADSTONE: Sir, I understand the Question of the hon. Member substantially to come to this—whether it is possible to make it an absolute rule in the construction of the Administration that the First Lord of the Admiralty should be a Member of this House? Now, that is certainly, on the whole, and as a general rule, desirable; but it is not so far desirable, and has not commonly been judged desirable, to such a degree as to make it right that this should be an absolute rule. Of course, I need not say that an absolute rule of this kind can only be applied to a limited extent in the formation of the Government, because personal qualifications must govern the distribution of offices on the whole; and, therefore, I can only go half-way towards meeting the hon. Member. I am quite sure that there are many who sit in this House and who can recollect—it would not be good manners to refer, in his presence, to the present Secretary—many instances in which the business of the Admiralty has been very efficiently conducted by a Secretary, both on this side of the House as well as on the other.

SIR H. DRUMMOND WOLFF said, that, as his Question was founded upon the dictum of the right hon. Gentleman when in Opposition, he should call attention to the subject and move a Resolution.

LAW AND POLICE (IRELAND)—DEATH OF MR. HONE.

MR. GIBSON asked the Chief Secretary to the Lord Lieutenant of Ireland,

Whether his attention has been called to the recent lamentable death by poisoning of Mr. Hone in Limerick; and, whether he will take steps to have a thorough and satisfactory investigation into the occurrence, so as to discover who is liable for the carelessness which caused it, and to prevent a possible recurrence of similar catastrophes?

MR. W. E. FORSTER: I have seen an account of this very sad occurrence. I need not inform the right hon. and learned Gentleman that the law provides for the investigation of such cases in two ways—one by a coroner's inquest, and the other by the magistrates—on any persons being brought before them on a criminal charge. An inquest has been held on Mr. Hone, and the verdict was that death was occasioned by poisoning, carbolic acid having been administered instead of black draught. The jury appended to their verdict an expression of opinion that in all medical establishments poisonous drugs should be kept safely under lock and key. I need not say that that is an opinion in which I fully concur. Although the verdict of the jury did not inculpate any person, the porter of the establishment was not considered free from blame. He was, therefore, arrested and brought before the magistrates, who investigated the case on two days, and finally discharged the prisoner. I have received a Report stating that after having heard the evidence they were of opinion that death was clearly the result of accident. Under these circumstances, though I deeply deplore what happened, I do not see that I could take any further steps in the matter.

MR. GIBSON said, he was desired to ask the right hon. Gentleman whether he thought there should not be a more thorough and complete inquiry into the whole matter?

MR. W. E. FORSTER: I will make further inquiry into the case.

NAVY—OFFICERS ON LEAVE.

COLONEL KENNARD asked the Secretary to the Admiralty, Whether it is the fact that an officer serving in a harbour ship at home is allowed the privilege of six weeks leave of absence from his ship, whereas the same privilege is denied to an officer serving in a harbour ship at Malta; and, if so, whether he will state the reason of the difference, or give any

assurance that the inequality will be remedied in future?

MR. TREVELYAN: Sir, officers serving at home can be granted the six weeks' leave of absence referred to in the Question if their services can be spared, though leave is an indulgence to be granted or withheld as circumstances make it expedient. With regard to officers serving abroad, whether in harbour ships or any other class of ships, there are no regulations, except the article in the Queen's Regulations (747), which prescribes that—

“Commanders-in-Chief will on their respective stations give such orders relative to leave as the climate or local circumstances may make expedient.”

It must be remembered that officers on foreign stations have a right to a week's full pay leave for every six months' service after their appointment ceases, a right which is not enjoyed in the case of home appointments.

ARMY (INDIA)—PAY AND ALLOWANCES OF FIELD OFFICERS.

LIEUTENANT COLONEL MILNE HOME asked the Secretary of State for India, If the arrangements have yet been completed between the War Office and the Indian Government for the pay and allowances of the field officers who were added to the Army on July 1st when on service in India; and especially if the two senior Majors of each Infantry battalion in India will, as in England, draw the full pay and allowances of a field officer?

THE MARQUESS OF HARTINGTON: Sir, I am sorry to say that a final decision on this subject has not been arrived at—that is, as to the rates to be drawn by field officers under three years' service; but a very early decision may be expected, and the rate, whatever may be decided, will have effect from the 1st of July, 1881. The conditions laid down in the Royal Warrant with respect to bringing the two senior majors of Infantry of the Line on the full rate of pay of majors after three years' service will be observed in India.

LAW AND JUSTICE—SENTENCES IN CRIMINAL CASES.

MR. M'COAN asked the Secretary of State for the Home Department, Whe-

Mr. Gibson

ther his attention has been called to the case of Mary Palmer, who, for having exposed and slightly wounded her infant child, was last week sentenced at the Old Bailey, by Mr. Justice Lindley, to seven years' penal servitude, and whether, in view of all the pitiable circumstances of the case, and of the jury's strong recommendation to mercy, which was disregarded by the Judge, he will reconsider the sentence thus passed; and, whether his attention has been called to the sentence of eighteen months' imprisonment, with hard labour, which was passed at the same Sessions by the same Judge, upon Charles Strutten for killing his wife?

SIR WILLIAM HARCOURT: Sir, so far as the Question points to a mitigation of the sentence, I have asked for the opinion of the learned Judge who tried the case, and I cannot say anything until I receive his opinion. As to the second part of the Question, which points to an aggravation of sentence, I have already several times intimated that I have no authority to interfere in such matters.

EDUCATION DEPARTMENT— "EXAMINERS."

SIR DAVID WEDDERBURN asked the Vice President of the Council, If he would explain why the title of "Examiners," a name given originally to University men appointed to set examination papers, should be retained in the Education Department, the scholastic work having been transferred to the "Inspectors;" and why this highly paid class of "Examiners" has been increased to the number of twenty-seven; and, whether, the work usually done by the "Examiners," could not be done more economically and equally well by ordinary clerks, such as are employed in the Treasury, Board of Trade, and other Public Offices?

MR. MUNDELLA: Sir, I am informed that the preparation and revision of examination papers formed but a small part of the duties of the Examiners at the time of their original appointment in 1847. The scholastic work of these officers is lighter than it was at first; but in justification of the title given them, I may say that they examine the Reports of the Inspectors, and have to decide whether the conditions of annual aid are fulfilled by each school reported

on and what grant shall be paid to it. They also conduct, under the secretary and Assistant Secretaries, the whole of the Correspondence of the Office, which, since the passing of the English Act of 1870, and the Scotch Act of 1872, has increased enormously and is increasing. In 1869, 23,076 letters and 11,178 Reports were received and dealt with. In 1880 the registered letters were 76,684, and 22,612 Reports were dealt with. The number of Examiners has necessarily grown with the growth of the work of the Department. No increase has been made since we came into Office. The Examiners must be on a par with the Inspectors, whose work they supervise and control, and none of these duties could be intrusted to ordinary clerks such as are referred to in the Question; and the emoluments of the Examiners are not in excess of those of the gentlemen who discharge corresponding duties at the Treasury and other high class offices. I have had occasion to employ some of these gentlemen on missions of the most difficult and delicate character, and on a variety of other work, which could only be performed by men possessing their knowledge and attainments; and I can assure the hon. Member that they have uniformly discharged their duties to the satisfaction of the Department and to the advantage of the Public Service.

RAILWAYS (IRELAND)—THE DUBLIN, WICKLOW, AND WEXFORD RAIL- WAY COMPANY.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, If he is aware that the public rights are being largely infringed upon by the manner in which the Dublin, Wicklow, and Wexford Railway Company are carrying out the work of widening their line at Kingstown by which a large portion of the road space has been taken from the public; and, whether this is being done with the consent of the Board of Works, in whom it is said the roadway, &c. is vested; and if, so, will he issue orders to that Board to insist on the entire Railway being bridged over, as it was formerly, and take other measures to have the public rights preserved?

LORD FREDERICK CAVENDISH: Sir, as this and the next Question of the hon. Member relate to the Board of

Works, I have to answer them on behalf of the Treasury. The works on the Dublin, Wicklow, and Wexford line referred to in the Question are being carried out under the authority of an Act of Parliament; but, in transferring the ground under the compulsory powers of that Act, the Board of Works have done their utmost to guard the interest and secure the convenience of the public. It is not thought necessary to require the railway to be covered in to the same extent as formerly; but I am assured that it is amply so for all the requirements of the public.

IRELAND—GRESHAM GARDENS,
KINGSTOWN.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, If he be aware that a large portion of the public garden in Kingstown, known as "Gresham Gardens," which is vested in the care of the Board of Works, is at present used as a kitchen garden, to the exclusion of the public; whether it is by an official of the Board of Works that this garden is being so cultivated; and, if he will take steps to restore the portion of the gardens to their original public purpose?

LORD FREDERICK CAVENDISH: Sir, the ground referred to as Gresham Gardens is not vested in the Board of Works, that Board having in 1866 transferred the residue of the lease of it to the Royal Marine Hotel Company on condition that it should be used only as ornamental pleasure grounds attached to the hotel. The forming part of the ground into a kitchen garden is at variance with the conditions under which the transfer was made, and the attention of the Hotel Company will be drawn to the subject. The public never had access to the ground while held by the Board of Works, as it was only required in connection with the harbour works.

STATE OF IRELAND—THE MAGIS-
TRACY—MR. A. E. HERBERT, J.P.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, What decision the Lord Chancellor has arrived at respecting the language used by Mr. Herbert, J.P. on the Bench?

MR. W. E. FORSTER: Sir, my noble and learned Friend has not yet received

sufficient information on the matter to enable him to come to a decision on the subject of the hon. Member's Question.

EDUCATION DEPARTMENT—THE RE-
VISED CODE, 1881.

MR. J. G. TALBOT (for Viscount SANDON) asked the Vice President of the Council, Whether, considering the very grave additional inconvenience which will be caused to all the schools of the Country by a long uncertainty as to the financial effects of the proposals for the revision of the Code, which in themselves must seriously unsettle for many months to come every school, and the desirability that both those who are responsible for the maintenance of the schools and the teachers of the schools should have ample time for their consideration, he will make public during the autumn the rate at which each item of the grant will be assessed; whether he will publish a fresh edition of the proposals for a revised Code, showing, by Italics, which portions of the Code are old and which are new; and, whether, considering that all alterations in the Code, on account of their wide spreading financial effects, are obliged to be made by the Education Department in concert with the Treasury, he can inform the House at once, or before the close of the Session, whether the effect of the revision of the Code is estimated to lead, in any sensible degree, either to an increase or diminution of the general Vote for Public Elementary Education?

MR. MUNDELLA: Sir, I cannot see how any inconvenience can arise to anybody from the proposals which I have laid on the Table. I have received numerous communications on the subject from managers and teachers, all more or less approving them, and not one expressing the apprehensions indicated in the Question. The changes proposed to be made in the Code, whether educational or financial, will appear in the Code of 1882, but will not take effect at once, or until ample time has been given for their consideration and approval by Parliament. These changes will be indicated in the usual manner, as prescribed by the Code itself. I have already stated, and it is distinctly set forth in Article 3 of our proposals, that the average rate of aid will be maintained, and I do not anticipate that

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the general Vote for Public Elementary Education will be affected by the changes we have proposed, except so far as they may reduce the cost of inspection and administration.

LORD RANDOLPH CHURCHILL asked the right hon. Gentleman whether there were any means of obtaining printed Papers setting forth the changes proposed to be made in the Code?

MR. MUNDELLA: The proposed changes are in the hands of the printers, and shortly the Papers will be distributed to Members of Parliament.

NATIONAL DEBT BILL.

MR. J. G. HUBBARD asked the Prime Minister whether he would withdraw the 3rd clause of the National Debt Bill?

MR. GLADSTONE said, he could not do so.

PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS.

MR. GLADSTONE said, he thought it right, looking at the state of the Business of the House, that the Government should inform Members as well as they could what course they intended to take. It was understood that the discussion upon the Motion of the hon. Member for the Tower Hamlets (Mr. Ritchie) with respect to Commercial Treaties would occupy a very large part of the evening; and if they could get into Supply by 11 o'clock, they proposed to go on with the Navy Estimates and with other Estimates—that was to say, with the Vote for the Transvaal, and the remaining Votes of Class IV., the Post Office Estimates, and the Supplementary Estimates. If they could not get into Supply by 11 o'clock, they wished to make progress with the Orders of the Day. Then, to-morrow, it was understood that they would take the Lords' Amendments to the Irish Land Bill, whatever they might be. There was no means of knowing whether their consideration was likely to last for any length of time; but if they should be disposed of by 2 o'clock, they proposed then to go on with the Navy Estimates. But if those Amendments were not disposed of by 2 o'clock, they would proceed with the other Estimates, including the Transvaal Vote, but not including the Irish Estimates,

which were the subject of a special arrangement. If there was time, they wished to go forward with the Orders of the Day; but that would be a matter for the convenience of the House.

SIR H. DRUMMOND WOLFF asked when the Navy Estimates would be brought on, if they were not proceeded with that evening or to-morrow?

MR. GLADSTONE said, it was difficult at the present moment to answer that Question. It would depend upon the situation and circumstances of the House.

MR. W. H. SMITH: In any case, the Navy Estimates will not be taken to-night?

MR. GLADSTONE: No.

MR. MAGNIAC said, it would be almost impossible to discuss the Post Office Votes without having in hand the Annual Report of the Department.

MR. FAWCETT said, the Report had been out of his hands more than a week, and he had trusted that the printers would have it ready to-morrow. Yesterday they told him it would be impossible to get it ready for to-morrow, although it was a very short Report. They assured him it would be in the hands of Members on Tuesday morning.

MR. MAGNIAC said, the Post Office Vote should be postponed until the Report was in the hands of Members.

MR. R. N. FOWLER asked the Prime Minister whether he had any idea when the Indian Budget would be brought forward?

MR. JUSTIN M'CARTHY asked when the Irish Votes would be brought forward?

MR. GLADSTONE said, the Irish Votes would be proceeded with after the Navy Estimates. With regard to the Indian Budget, his noble Friend's intention was to bring it forward on the first day after the close of Supply.

SIR STAFFORD NORTHCOTE asked whether the Sitting to-morrow would be prolonged beyond the usual hour, and whether it was understood that no other Business than Government Business would be taken to-morrow?

MR. GLADSTONE thought that to-morrow no other Business would be taken than Government Business. The Sitting to-morrow would probably not be prolonged beyond 6 or 7 o'clock. He could not say at what particular time the Sitting would terminate.

CAPTAIN AYLMER asked the Prime Minister whether arrangements would be made next Session for bringing forward the Estimates and the Indian Budget at an earlier period than that at which they were generally considered?

Mr. GLADSTONE said, that that would form part of the question which the Government would next Session consider with regard to the Business of the House.

ARMY—THE ROYAL MARINES— AFFRAY AT BANTRY.

Mr. HEALY asked the Secretary of State for War, if he has made inquiry into the conduct of the Marines at Bantry on 3rd August; and whether he can state the result to the House?

Mr. CHILDERS: Sir, in reply to the hon. Member I have to state that for many months after the Marines, who are an extremely well-conducted body of men, were stationed at Bantry no quarrels took place between them and the roughs of the town; but in May last a marine of the name of Kenny was knocked down and brutally kicked by a man named Patrick O'Leary; and I am sorry to say that he died of his injuries. O'Leary was committed at the coroner's inquest to take his trial for manslaughter at the Cork Assizes, but was acquitted. He returned to Bantry and boasted of having killed this unfortunate man, applying to him an epithet which I will not repeat. On the 1st instant another marine was knocked down without the slightest provocation and seriously injured; and the repetition of this brutality so exasperated the Marines that on the following day a body of them undoubtedly acted most improperly in sallying out of barracks with a view of fighting the roughs, and especially of thrashing Patrick O'Leary, if they could find him. Patrick O'Leary seems to have effected a series of very masterly retreats, and nothing more appears about him in the report of the proceedings; but the collision with the roughs took place, and the Marines cleared the streets. I need not say that this act was most reprehensible; and after dealing with the men, Sir Thomas Steele very properly ordered that the Marines should be removed from Bantry. I may add that I have received a copy of a resolution adopted at a meeting of the Bantry

magistrates, expressing their opinion that the original attack on the Marines was most unprovoked, that they had punished one of those proved to be engaged in it, and adding their general testimony to the uniform good behaviour up to that time of the men, and their regret at their removal.

PARLIAMENT—PUBLIC BUSINESS— IRISH CHURCH ACT AMENDMENT BILL.

Mr. CALLAN asked the Chief Secretary for Ireland, Whether it was intended to take the Committee on the Irish Church Act Amendment Bill at the Sitting to-day?

Mr. W. E. FORSTER said, it was important that he should at that period of the Session take every opportunity of bringing on that Bill. The Irish Church Commission had nearly completed its labours, and it was not desirable that the salaries of persons employed under it should be continued when they had nothing to do.

LORD RANDOLPH CHURCHILL said, that if the Bill were brought on after Supply he should use all the Forms of the House in opposing it.

ORDERS OF THE DAY.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

FRENCH COMMERCIAL TREATY.

MOTION FOR AN ADDRESS.

Mr. RITCHIE, in rising to move—

"That an humble Address be presented to the Crown, praying Her Majesty to withhold Her consent from any Commercial Treaty with France which proposes to substitute specific duties for ad valorem duties, to the disadvantage of any article of British manufacture, or in any way to raise the present rate of duties payable on such articles, and which does not leave Her Majesty's Government full liberty to deal with the question of Bounties, or which would bind Her Majesty absolutely to its provisions for a longer period than twelve months,"

said, that, whatever might be the opinion of the House on the Motion which he was about to submit, he thought that there would be a unanimous feeling of regret that they should be called upon, in the year 1881, to consider the question of a Treaty, proposed to us by France,

which was of a reactionary and Protectionist character. The prophecies that one of the great results of the Treaty of 1860 would be that France and all other countries in Europe and America would become so much alive to the benefits of Free Trade that the nations of both Europe and America would soon be bound together in one great *Zollverein* of Free Trade had, unhappily, not been fulfilled. So far from their being fulfilled, it could not be said that Free Trade principles seemed to have made much progress. The Treaty of 1860, which was undoubtedly of a Free Trade character, and which was concluded under the Empire, it was now sought under a Republic to replace by one of an altogether reactionary description. The Treaty of 1860, as was admitted by Her Majesty's Government, was of a very one-sided character, being much more in favour of France than of this country; and it was disappointing to find that France was now prepared to go back from the position which she took up in 1860, notwithstanding the undoubted advantages she had enjoyed under the Treaty. That result must be disappointing to them all, but more especially to the members of that Club which bore the name of the distinguished man who negotiated and settled the Treaty of 1860 on behalf of this country. So far from every country becoming more and more favourable to Free Trade, the Tariffs of foreign countries had a tendency every year to become more and more Protectionist. The only State in Europe which could be said to have adopted the principles of Free Trade was that country which was so much vilified by the Liberal Party—namely, Turkey. It was no wonder, then, that the people of this country were beginning to ask themselves whether a policy of admitting without question whatever came from abroad freely, while our exports were heavily taxed in those countries, was a sound and profitable one. He had lately read a speech made by the hon. Member for Rochdale (Mr. Potter), the President of the Cobden Club, at its annual meeting; and he could not help comparing that hon. Member to a well-known character in fiction—Mark Tapley. The hon. Member for Rochdale seemed to agree very much with Mark Tapley in thinking that there was no merit in appearing cheerful under

happy circumstances, but that the great merit was in being cheerful under adverse and dismal circumstances. In his speech the hon. Member made the astounding statement that Free Trade principles were progressing at home and abroad. How did the case stand at home? Surely no one who read the signs of the times could fail to see that throughout the large towns of this country there was arising an intense feeling of dissatisfaction with the present state of things. Even in Birmingham, which had the advantage of being represented by two Members of the Cabinet who were such thorough advocates of Free Trade, there were indications that the Free Trade policy of the Cobden Club was decidedly not in favour with that town; and, whether rightly or wrongly, they attributed much of the suffering and bad trade which existed throughout the country—[“No!”]—to that Free Trade policy. The hon. Gentleman who said “No!” would have an opportunity of telling the House in what town good trade existed. It was fully acknowledged that until recent years their Free Trade policy was a successful one. While they were the great manufacturing centre of the world it mattered little what duties foreign countries put upon their manufactures, which consisted, not of luxuries, but of necessities, as the consumers had to pay them; but foreign countries had now largely increased their manufacturing power, and had, instead of being importing countries, become exporting countries. Under these circumstances, it was time that they began to reconsider a policy which was all very well up to a certain time, but which some contended had now failed. While this was what was being said from one end of the country to another on the subject of their commercial policy, what had been the position taken by the Government with reference to the great principles of political economy? The Land Bill could hardly be said to be framed on the lines of true political economy. On the second reading of that Bill the Prime Minister treated with ridicule the economic propositions of Professor Bonamy Price as being too sound for any other than an ideal state in Jupiter or Saturn. It could not be said, therefore, that the Government had set a very good example at home, and, altogether, it was very difficult to coincide

with the hon. Gentleman the President of the Cobden Club, when he said that the principles of Free Trade were advancing at home; and if they looked abroad it appeared to him that he must be a very sanguine man who could speak of the progress of Free Trade principles there. The tendency in every quarter of the globe seemed to be towards more and more restriction, and the French Tariff certainly of itself was no indication of any progress of Free Trade principles, notwithstanding the fact that they had enjoyed to some extent the benefits of Free Trade policy from the year 1860. The cheerful view of the hon. Gentleman was not, however borne out by the speeches of the right hon. Member for Montrose (Mr. Baxter) and the hon. Member for Burnley (Mr. Rylands), who were so often found associated together in public proceedings in and out of the House. Another gentleman accounted for the want of success of the Cobden Club on the ground that they did not give dinners enough. The money was spent in literature instead; and he was very much struck with the fact that, while thousands of publications concerning the English Land Question were struck off, the circulation of Free Trade publications had declined. Only 100 copies were taken of *Free Trade and Protection* by Professor Fawcett, and of *The Value of Political Economy to Mankind* only 100 copies; whereas a most mysterious pamphlet entitled *The Dog and the Shadow* circulated to the extent of 50,000. What was "the dog" and what was "the shadow?" It was not for him to say; but at all events there was a marked difference between the number of the pamphlets on the Land Question and upon the questions of Reciprocity and Free Trade, which were the questions of the day. He found, however, that there was one proposition before the Cobden Club of which he could approve. At the recent meeting the members of that Club pronounced that they would rather have no Treaty at all than a worse Treaty. He did not know whether the Government were prepared to accept that. He was rather afraid that they were not. His attention was attracted to a letter in *The Times* by the President of the Board of Trade on the 8th of August, in which he said that "the feeling of the country was opposed to the conclusion of a Treaty materially worse

than the present one." He ventured to say that that was not a proper expression of the public feeling, which was opposed, not merely to a Treaty "materially worse," but in any degree worse; and any action taken by the Government to bring about a Treaty in any shape worse than the present one would meet with entire disapproval. What was the position in which they were at present placed? It was with a great deal of regret that he troubled the House with this matter at this period of the Session; but in a few days they would separate, and by the time they met again, in all probability, if any damage was to be done, it would be accomplished, and they might find themselves bound by a Treaty of a most disadvantageous character, which excluded their goods from France, and prevented them from making an advantageous Treaty with any other country that might be prepared to do so. He did not, therefore, think it would be wise for the House to separate without a discussion on this important subject. He had the highest opinion of the Gentlemen charged with conducting the negotiations; but it was just as well to bear this in mind, that the tendency was to make a Treaty—a good one by all means, but make a Treaty. Therefore, it was essential the matter should be fully discussed before Parliament separated. The action of the Government hitherto did not inspire him with absolute confidence. They were told by the Prime Minister that everything that was done would be done in the full light of day. But how did the action of the Government square with these professions? The House would remember that it was with the greatest difficulty that his noble Friend (Viscount Sandon) extracted from the Government a copy in the English language of the French Tariff, and his noble Friend was deserving of their thanks for the persistency with which he pursued the matter and at length extracted the concession. The Chambers of Commerce in this country, no doubt, were quite able to understand the French Tariff in the French language; but it was a different case with workmen, and it was most necessary that the document should be placed in their hands, as they were greatly interested in the question. Almost everything which they knew with respect to these negotiations had been

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extracted by cross-examination from the Government, and little information had been given voluntarily. The present position of the question was the subject of very great anxiety in the country. They wanted to know the exact position which the Government had taken up upon this question, and also the position of the French Government. He had been told as early as October last that the French Government intimated their intention of substituting specific for *ad valorem* duties; and he wished to know whether the negotiations that had taken place had led to any alteration of the opinions of the French Government? If his recollection was correct, he thought the Prime Minister, in answer to a question, said that specific duties upon some few things might not, perhaps, make very much difference, but that as a basis of a new French Tariff it was impossible to entertain them.

MR. GLADSTONE said, that, as far as he could recollect, what he stated upon that occasion was that, in the substitution of specific duties for *ad valorem* duties, Her Majesty's Government saw very great difficulty, and the mode of overcoming these difficulties had not yet been reached.

MR. RITCHIE said, that he had spoken to the best of his remembrance. But there was no doubt that the Government were of opinion that a change of specific duties would be disadvantageous to this country. He found that Earl Granville stated in a communication to M. Challemeil-Lacour that a change to specific duties could not be otherwise than disadvantageous to British trade. [MR. GLADSTONE dissented.] He had the despatch in his hand. Well, he wanted to know whether the Government were still of that opinion, as there had been some shaky utterances on the subject on the part of the Government of late? He should be glad to know from the hon. Baronet the Under Secretary for Foreign Affairs whether the Government held to the declaration of Earl Granville which he had just quoted? It would be impossible so to arrange specific duties as not to hit hardly some of their manufactures. The effect on Bradford might be judged by what had been said by Mr. Mitchell, ex-President of the Bradford Chamber of Commerce, who stated that the duties would be increased by such a change from 100 to

150 per cent; and one large manufacturer had expressed his intention of removing a large portion of his machinery to France in the event of such a change. The House of Commons had already declared, by a Resolution proposed by the hon. Member for Gloucester (Mr. Monk), that it would not be content with a Treaty not less favourable than the old one, but would demand one more favourable. Had the Government communicated this Resolution to the French Government? We knew they had not. Why had they not done so? One would have thought that Resolution would have strengthened the hands of the Government in their dealings with France. His Resolution was not so strong as that of the hon. Member, and he hoped the House would agree to it. There should be no mistake about the action of the Government on the matter. The industrial community were unanimously of opinion that we should concede no more to France than we had already conceded. It was time that the policy which gave up everything and received nothing should be re-considered. It was acknowledged that the prophecy that all nations would soon adopt their Free Trade policy had been completely falsified. The doctrine of the Cobden Club—"Buy in the cheapest markets"—was not the original Free Trade doctrine. The Cobden Club said—"Take care of your imports, and the exports will take care of themselves." But if the present state of things went on, they would soon have very little exports to take care of. In 1872 their exports amounted to £256,000,000; in 1879 they had fallen to £191,000,000, showing a falling off of £65,000,000. In the period 1871-5, their exports to Europe were £741,000,000; in 1876-80, £626,000,000, showing a difference against the latter period of £115,000,000, equal to about 15 per cent. Their exports to America in 1871-5 were £374,000,000; in 1876-80, £270,000,000; a diminution of £104,000,000, equal to about 37 per cent. This alarming decrease in their exports was a very serious matter. What was to be done to remedy it? He wished it to be clearly understood that he was not there to advocate a return to Protection for their manufactures. He did not see how Protection would benefit their manufacturing interests. They produced more than they consumed, and must export the surplus; and no duty

would effect a rise in prices, because they could not have one price for what they exported and another for what was sold at home. What they wanted was not Protection, but entrance for their manufactures into foreign markets. They could not afford to be gradually and permanently excluded from foreign markets. How was that to be arrived at? It was said they had thrown away their weapons. He denied that they had thrown them away. It was true that they put aside those weapons in the hope that foreigners would do the same. This not being so, what was there to hinder them taking them up again. If they had still retained them, there would only be a small minority in the country who would not advocate their use in order to get better terms from the foreigner. What was the Prime Minister's proposal with reference to the Wine Duties lately made to France? In a letter on the subject in January last, his Secretary wrote—

"Mr. Gladstone desires me to say that the attitude of foreign Governments in the chief wine-growing countries, and that of some among them especially, makes it in his view extremely doubtful whether they will on their side suggest such measures, and with such a degree of promptitude as might lead Her Majesty's Government to propose an alteration of the Wine Duties as a part of the financial arrangements of the current year."

What was this but a statement that before laying aside any portion of the weapons still left them they must have a *quid pro quo*? What was this but Reciprocity pure and simple? If, then, they were prepared to use such weapons as they still possessed, what was to hinder them taking up again those they had laid aside? Where was the difference in principle? He confessed he could see none. He should be told that Retaliation was as bad as Protection. Against that statement he could quote high authorities; but the present Free Traders looked with some contempt upon the doctrines of the great masters of the school—they had advanced beyond the views of Adam Smith and others. Professor Bonamy Price, whose political economy had been deemed by the Prime Minister so ideal as to be unfit for this planet, had stated recently that Retaliation was not antagonistic to the principles of political economy; and Mr. M'Culloch, a name that even hon. Gentlemen who were Free Traders would receive with respect, says in his *Principles of Political Economy*—

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"If there be apparently good grounds for thinking that a prohibition will so distress those against whom it is levelled as to make them withdraw or materially modify the prohibition or high duty it is intended to avenge, it may be prudent to enact it."

Were there, then, "apparently good grounds" for thinking that such action on their part would be successful with France? Let them see what was the value of English trade to France. The whole export trade of France in 1879 amounted to £126,000,000, of which £38,500,000, or nearly one-third of the whole, came to this country. France, therefore, could not look with indifference upon a policy of Retaliation by this country. Could there be a doubt, looking to the enormous importance of their trade to France, of what would be the effect of a retaliatory policy on their part? Would it not certainly have the effect of compelling France to modify her hostile Tariff, and come to terms? The imports from France, too, were just such articles as might well bear heavier taxation if it should become necessary. The consumers of silks, gloves, wines, and *articles de Paris*, could well afford the extra price for such luxuries if they continued to purchase them. He contended, therefore, that they should not tamely submit to any hostile action on the part of France such as was threatened; that unless they could obtain a Treaty fully as good as the present one, their hands should be left free to adopt such measures as in their opinion were most conducive to their own interests. For these and other reasons he asked the House to agree that no Treaty at all with France would be better than a reactionary Treaty. He also asked the House to declare that no Treaty whatever would be satisfactory which did not leave the Government full liberty to deal with the question of Bounties. The question of Bounties was of even greater importance than hostile Tariffs. The latter destroyed their foreign trade; but bounties attacked them in their home markets, and the very existence of their manufactures was made impossible. Of course, he would be told that this was a matter which worked its own cure, and that a country acting on this principle would very soon begin to see the fallacy of giving Bounties; but where were the indications of that? Bounties on sugar had been in existence in France for many years; but so far were they from being

convinced of their disadvantage, that they were now going to give an infinitely larger bounty upon the building of ships. That did not look as if the Sugar Bounties had led France to see the error of her ways. Having built up one immense industry, and so given employment to vast amounts of capital and labour, they proposed to do the same in another industry; and it was confidently anticipated in France, and, indeed, had been openly stated in the Chamber of Deputies, that the Shipping Bounties would enable them to compete successfully with England. He would not trouble the House with a long disquisition on the subject of Sugar Bounties. He had tried again and again during the Session to get an opportunity for the consideration of this matter, and had not succeeded. He would remind hon. Members, however, that the employment of a countervailing duty, in the last resort, had been recognized by the Committee which had been appointed to inquire into this question. It had, he knew, been contended by the President of the Board of Trade that bounties were beneficial to the consumer; but the Prime Minister evidently did not hold the same views as those which had been put forward by the Board of Trade. Replying to a deputation, the right hon. Gentleman had said that he did not think any benefit founded on inequality and injustice could be a permanent benefit to the consumer; but that, supposing the means suggested as a remedy—a countervailing duty—were sound—which, of course, he did not acknowledge—they were precluded from taking such action by reason of the Favoured Nation Clause in their Treaties. He (Mr. Ritchie) contended that if they were so precluded by the letter, they were not precluded by the spirit of that clause from action of the kind, because the spirit of the clause required equality, and bounties destroyed equality. On July 30th, Earl Granville wrote as follows to Mr. Adams:—

“I have considered, in communication with the Law Advisers of the Crown, Lord Lyons’ despatches of the 2nd and 3rd instant relative to the French Mercantile Marine Bill. I have now to inform you that the bounties which it appears to be intended to give on the construction of vessels in France, and on long voyages made by such vessels, do not in precise terms constitute a violation of the stipulations of the Commercial Treaties between Great Britain and France. At the same time, it is a fair matter of

representation that such bounties are contrary to the spirit and intention of those Treaties, and will, in another way, produce the very effect which their stipulations with reference to import duties are intended to prevent.”

Here they had an admission by Her Majesty’s Government that bounties were contrary to the spirit and intention of their Treaties, and brought about that which it was the object of those Treaties to prevent. Were they, then, to bind themselves again to such Treaties, or should they not take advantage of their freedom to take care that such a scandal as that pointed out by Earl Granville should no longer continue? They had a sure and certain mode of putting a stop to such a state of things. Should they again render themselves unable to avail themselves of it? Countervailing duties were not antagonistic to the principles of Free Trade. *The Spectator*, a thoroughly Liberal and Free Trade journal, thus expresses its opinion on the subject—

“A countervailing duty would have this effect and no other, that all the sugar subject to it would still come in which would have come in if there had been no bounty, and no more; and this is just what the theory of Free Trade requires. Moreover, the cost of this fiscal operation would not fall on the wrong persons, as the cost of a countervailing bounty would. The countervailing duty, if imposed, would deprive our sugar consumers of a temporary advantage, very unsettling to trade, and having a tendency to foster unnatural production; but in depriving them of that temporary advantage, it would confer on them the compensating advantage of not being subjected to needless and trying variations of price, and of not seeing a useful class of their fellow-countrymen vexatiously injured or ruined by the caprice of foreign countries.”

And further on, writing of the difficulties imposed by the Favoured Nation Clause of their Treaties, it says—

“It is no doubt a serious difficulty, and perhaps at present insuperable. But clearly we ought not to be obliged, by granting a Favoured Nation Clause, to treat nations alike under totally different circumstances; for that really means treating them not equally, but unequally. And we heartily agree that if the other difficulties of the case can be got over, we ought, in renewing our Commercial Treaties with the various countries of Europe, to provide against any construction of the Favoured Nation Clause so harsh that it shall compel us to deal unequally with different nations under the name of dealing equally with all.”

This was the policy for which he asked the assent of the House. It was a policy which had been endorsed by very high authorities, some of them prominent members of the Cobden Club, and it was

a policy founded on justice and Free Trade. So much for that portion of his subject, and he had now only to say a few words on that part of his Resolution which asked Her Majesty to withhold her consent to any Treaty which would bind her absolutely to its provisions for a longer period than 12 months. On that point he would at once remark that there was almost an entire unanimity of opinion in the manufacturing and commercial world. Unquestionably, it would be an immense advantage to be able to terminate a Treaty at 12 months' notice. The right hon. Gentleman the President of the Board of Trade had said that if a Treaty were unsatisfactory, 12 months was too long for it to remain in force. He entirely agreed with the right hon. Gentleman on that point; but it did not by any means follow that a Treaty that would be satisfactory to the Government would be equally satisfactory to the people, who, under the present system, might find that they were tied and bound for years by the terms of a Treaty which they did not approve. The Prime Minister had stated that the terms of the new Treaty with France would not be more unfavourable to British goods than were those of the last; but such an assurance did not give the people of this country much hope that their interests would be properly looked after. It was the opinion of the President of the Board of Trade, a prominent Member of a Government which had, unfortunately, the power of binding them hand-and-foot, that a Treaty not materially worse than the present one would be satisfactory. He ventured to tell him that if he thought such a Treaty would be satisfactory, he very much miscalculated the opinion of the vast majority of all classes of the country. Nearly every Treaty of importance at present in existence was terminable at 12 month's notice. Where was the inconvenience of making this Treaty similar in regard to time? He confessed he failed to see any, and that he was sure was the general opinion of the mercantile world. But the inconvenience of binding them for a term of years might be very great and very real. A project was on foot, and was, he understood, received with much favour, to form a great Customs Union between their Colonies and the Mother Country on a basis of Free Trade. If they bound themselves to a Favoured Nation Treaty

with France for a term of years, the consequence would be that they would be bound to accord to France whatever terms they might agree to with their Colonies or with any other Power in return for concessions on their part; and so such an arrangement would be rendered impossible. He therefore urged the House to take care that they should not be put in such a position, and that any Treaty to which they became a party should be terminable by 12 months' notice. He thanked the House for the patience with which they had listened to him. He was afraid he had put his case very inadequately; but, at least, he hoped he had said sufficient to induce the House to assent to his Motion. It was no question of Protection, but one of simple justice. His object was to prevent their already diminishing export trade from diminishing still further under a Treaty more hostile than the present one; to prevent their home trade from being extinguished by means of bounties; and to prevent the Government from committing them to a Treaty which would bind them hand-and-foot for many years to an engagement which might prove most detrimental to their interests. If the result should be that no Treaty at all was concluded, the loss would be theirs, not ours. They, at least, would be left free to take whatever course might seem most advantageous for themselves. The aim and object of France was to weaken our position as a manufacturing and commercial Power; and the people of this country would not, he was certain, any longer tolerate a policy of submission, which, in the end, must result in national misfortune. The hon. Member concluded by moving the Resolution of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to the Crown, praying Her Majesty to withhold Her consent from any Commercial Treaty with France which proposes to substitute specific duties for ad valorem duties, to the disadvantage of any article of British manufacture, or in any way to raise the present rate of duties payable on such articles, and which does not leave Her Majesty's Government full liberty to deal with the question of Bounties, or which would bind Her Majesty absolutely to its provisions for a longer period than twelve months,"—(*Mr. Ritchie*),

—instead thereof.

Mr. Ritchie

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR CHARLES W. DILKE said, he was sorry that the hon. Member had spent about 20 minutes in what he might call "chaffing" the Cobden Club. Time was too valuable at this period of the Session to be occupied in that way. The middle portion of the speech was of a very different kind. It was somewhat of an academic dissertation, if one could conceive of an academy holding opinions so heretical as those of the hon. Member. In the latter portion of the speech the hon. Member came to business, and told the House what he meant, and it was with that portion he proposed to deal. The hon. Gentleman had remarked that it would be a great misfortune if the House were to separate without discussing a Motion of this kind; but in making that remark he had done but scant justice to the debate which had taken place on the Motion of the hon. Member for Gloucester, because, although the Government had on that occasion opposed the Motion of the hon. Member as being inopportune, they had, at all events, an opportunity of expressing their views with regard to it. In the course of the debate Her Majesty's Government, although they held that it would be an undignified proceeding for the House to carry such a Resolution at a time when the negotiations were going on, accepted the principle put forward by the hon. Member. The hon. Member opposite, therefore, would have saved himself much trouble if he had assumed that Her Majesty's Government would have adhered strictly to the declarations they had made on this subject on the former occasion. The hon. Member had said that if it had not been for this discussion to-night the country might have been bound by a Treaty which would practically have excluded British goods from France. Did the hon. Member mean seriously to contend that such would have been the case, when the Government had already declared that they would not be parties to the conclusion of a Treaty with France which would not leave British goods in as favourable a position as they had formerly occupied? The hon. Member had attacked the Government on the ground that they had shown too much favour to the Chambers

of Commerce, as compared with the working people. No doubt, it was difficult to ascertain exactly who were the proper representatives of the working people, while it was easy to enter into communication with the Chambers of Commerce; but, nevertheless, exactly the same consideration had been shown to the former as to the latter. The hon. Member had also attacked the Government on the ground that they had kept back documents. That was no new charge to bring against a Government, for it had been made against the noble Lord opposite (Viscount Sandon) when he was a Member of the late Government. He must, however, complain of the tone in which this charge had been brought against the present Government by both the hon. Member and by the noble Lord. It had not been usual on former occasions to lay before Parliament Protocols of conferences or of negotiations which had not terminated, although he admitted that directly such negotiations had been concluded the Papers relating to them should immediately be laid upon the Table of the House. The late Government, however, had not followed that wise course on several occasions. The late Government, who had conducted several negotiations of great delicacy and importance, had not only declined, very properly, to produce the Papers relating to them while they were proceeding, but they had also refused to produce them after they had been concluded. Thus not a single word had ever been published by the late Government relative to the negotiations that took place in London in 1875 between the Government of this country and that of Italy with regard to the conversion of *ad valorem* into specific duties. Those Papers never were laid before the House, and the House was entirely without information on the subject; and yet the noble Lord blamed the present Government for maintaining secrecy with regard to these negotiations, although they had kept their promises to the letter. In 1877 most important negotiations were held in Paris. Those negotiations were full of interest in their bearing on these duties. The Papers and the Protocols relating to them were never laid before Parliament at all. Therefore, he hoped he had disposed once for all of these charges against the present Government. But there was a special point which was

raised by the hon. Member in his speech just now, and it was a point in which he was supported by the noble Lord the late President of the Board of Trade, and that was that the present Government laid before the House more Papers in French than previous Governments had done, and that they did so for the purpose of secrecy. He should not be contradicted by anyone who was able to speak with knowledge of the fact, if he said that the present Government had made the translation of papers more common; that the late Government translated far less than ever had been the case before. The translation of ordinary correspondence was discontinued during Lord Salisbury's tenure of Office, and was discontinued by his order, and was only resumed in consequence of an order given by Earl Granville. In this matter of the French negotiations, Her Majesty's Government were under peculiar difficulties with regard to giving information to the House, and for this reason—that while on their side they had nothing to fear from publicity, they could not lay the Papers before the House without the consent of the Government of France, and the Government of France had not the same ardent desire for publicity in this matter by which Her Majesty's Government were affected. He could not forget that while the negotiations were going on, it behoved him to speak with considerable discretion. The Motion which had been brought forward by the hon. Member, and to which he only alluded in almost the last words of his speech, contained four heads. He began by stating that he was against the conclusion of the Treaty if it contained any conversion of *ad valorem* and specific duties, which would be unfavourable to any article of British trade. Her Majesty's Government made their declarations upon the subject of *ad valorem* and specific duties in the debate on the Motion of the hon. Member for Gloucester (Mr. Monk), and they adhered to the declarations they then made, which declarations had been repeated several times by the Prime Minister and occasionally by himself. What the trade asked was that the average on which a conversion was made should be a fair average, and should not damage any important branch of trade. Her Majesty's Government asked that no article

should be damaged. They had stated distinctly that they would not agree to any conversion which would destroy any branch of British trade. The second thing which the hon. Member asked was this—that the Government should bind themselves not to conclude the Treaty if any increased duty was payable on any article, as he (Sir Charles W. Dilke) understood, of British manufacture. Did the hon. Member mean to say that if we could get a Treaty beneficial to the linen or the woollen trade, Her Majesty's Government should not agree to it because there was a rise of 2d. on straw hats or some other article which was not very important to British trade? It seemed to him that that proposition carried its own refutation. The hon. Member spoke of the Sugar Bounties and of the bounties on French navigation. The Sugar Question was dealt with by his right hon. Friend the President of the Board of Trade, and he had no doubt he would be able to refer to it in the course of this debate. But with regard to sugar, it was the intention of the French Government that the bounty system should cease to exist. And with regard to their new law upon navigation, the hon. Member, he thought, was disposed to greatly exaggerate the importance of that law. Certainly, at the present moment, the British shipping trade was in a very flourishing condition, compared with the shipping trade of France. The shipping trade of France had been declining steadily; and it was the opinion of the highest authorities in France that the proposed law in regard to shipping would not prevent that decline, but would prove ruinous to the finances of that country. They might take note of the fact that the Minister of Commerce did not speak in support of that Bill. The country would become tired of the law, and it was not likely to endure. He thought the hon. Member's fourth proposition was less likely to be accepted even than the other three. He (Sir Charles W. Dilke) entirely agreed with his right hon. Friend the President of the Board of Trade, when he said that if a Treaty were a bad one they did not want it for 12 months, for 12 weeks, for 12 days, for 12 hours, or even for 12 seconds; but that if it were a good one, then they should endeavour to secure that repose to trade which was given by

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a Treaty of long duration. A Treaty expiring every 12 months would be insufferable to traders; and in this matter he thought the policy of the late Government was a wise one in giving all their Commercial Treaties a duration of 10 years, for, he believed, if they could get a good Treaty, 10 years was as short a time as they should make it exist. With regard to the four proposals of the hon. Member, he must refer to the reply which was made on behalf of the late Government on this matter. The hon. Member for Birkenhead (Mr. Mac Iver), who was in his place and would be able to correct him if he was in error, was, he believed, one of the leading supporters of the policy which the Mover of the Resolution had advocated to-night. The hon. Member for Birkenhead supported proposals of this kind at the meeting recently held in Exeter Hall. [Laughter.] The hon. Member for North Warwickshire (Mr. Newdegate) smiled. That hon. Gentleman was, no doubt, now prepared to take the same course as in the days when he stood forward as the solitary advocate of Protection. In 1868 and 1869 the hon. Member was the only Member of the House who had the courage of his convictions and the ability to express them in articulate language. The hon. Member for Birkenhead, on the 25th of April, 1879, asked the late Government to give a pledge—not four pledges, as the hon. Member for the Tower Hamlets (Mr. Ritchie) now asked for. He asked the late Government, in regard to those very commercial negotiations with France, to pledge themselves to the abolition of the *sur-taxe d'entrepôt*. The case as to that was very strong—the strongest that they had in their negotiations with France. The hon. Member asked the late Government to promise not to conclude a Treaty without obtaining satisfaction as to the *sur-taxe d'entrepôt*, and the reply of the late Government said—and they were wise words—that it would be wrong of them, imprudent, inconvenient, and impolitic to give any assurance beforehand of the nature of the conditions which the Government would require in negotiating the New Treaty with France. That reply must be his reply to the four propositions of the hon. Member for the Tower Hamlets. He could only repeat that the Government were unable, for the reasons given by

the late Government in 1879, to pledge themselves beforehand to make the conclusion or the non-conclusion of the Treaty dependent on any particular proposals of that kind. The hon. Member for the Tower Hamlets had referred to Her Majesty's Government not having communicated the Resolution passed on the Motion of the hon. Member for Gloucester (Mr. Monk) to the Government of France. It was not usual or convenient for the two Governments to communicate the Resolutions come to by their respective Parliamentary Bodies to each other. But the Representatives of the French Republic in this country who were negotiating the Treaty were perfectly aware of that Resolution, having read the papers like other people, and they knew also the character of the speeches which were made in its support; and he might state, if it was any satisfaction to the hon. Member, that the Resolution was the subject of animated conversation at the meeting of the Commissioners next day. The hon. Member had insisted in much detail on the impossibility of converting *ad valorem* duties into specific duties. The Government had taken every possible step to obtain the best information which existed in the country on the exact force of the French proposals, as far as they had them up to the present time. They had communicated personally and in writing with the leading firms and with all who chose to put themselves in communication with them as to the possibility or impossibility of that conversion. In that they had only taken the same steps, though, perhaps, in greater detail, as were taken by the late Government on the same question in 1875, during the Italian negotiations. But the late Government, having received all that information, acted in the teeth of it, and sanctioned those duties by renewing a Treaty with Italy after the Chambers of Commerce of Yorkshire had almost unanimously asked them to have nothing to do with them. It was impossible to give any pledge that no such changes in certain articles of British trade would be allowed, or that that they would not be allowed altogether. But the Government had distinctly stated, and he stated again, that they would not consent to any such change as would put an end to any considerable trade in any article, and that

they must have a Treaty on those points which would be as satisfactory as the existing Treaty. The hon. Member spoke of the decline of British trade; and though he did not actually propose Protection, yet he suggested the imposition of duties on foreign goods manufactured in this country, which it would be difficult to raise without Protection to the British manufacturer. The figures put forward by the hon. Member were misleading, and so far from a decline there was an increase, although a less rapid one than in former years, in British trade. In 1879, addressing the other House, Lord Beaconsfield pointed out by conclusive figures that British trade was not declining then; and if that was the case then, how much more must it be the case now, when there was a revival of trade? The hon. Member asked in what town was there a better trade than existed a few years ago? He might mention Sheffield, Nottingham, and Leicester. He thought that even the cotton trade was in a more flourishing state this year, and that almost the whole of the trades of England were in a better condition this year than they were last year and the year before. A pamphlet published by the Association which was agitating the country in the hon. Member's sense showed that the hostile Tariffs were not to blame for a reduction of the British woollen trade. The hon. Member had carefully avoided referring to proposals for taxing the food of the people. He had proposed a duty on silk and certain other articles. A large quantity of the silk brought here from France was brought for re-exportation; and it must be remembered that it was not imported entirely for our own consumption. When the hon. Member talked of retaliating against France, he should recollect that a large part of our imports from France consisted of food, and he would be playing with edged tools, because, although as representing a constituency like the Tower Hamlets he would not himself propose to tax the food of the people, yet there were other persons co-operating with him who did not refrain from doing so. There was a great meeting at Exeter Hall last week—[An hon. MEMBER: Not great.]—well, if it was not a great meeting, it was not from any want of advertising or spending money. At that meeting, the chairman, Sir Algernon Borthwick, made

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a speech, in which the only practical proposal was a proposal for the imposition of a tax upon the food of the people. He (Sir Charles W. Dilke) ventured to say that nothing could be more in conflict with the principles which were put forward in the House of Lords by the late Earl of Beaconsfield than the principles which were now professed by the gentlemen who were behind this agitation, and who held their meetings at the Beaconsfield Club.

MR. RITCHIE said, he was not connected with any organization. He had nothing to do with the meeting at Exeter Hall, nor with any body of people which the hon. Baronet imagined were behind him.

SIR CHARLES W. DILKE said, he accepted the hon. Member's assurance that he was not connected with the meeting, nor with anybody behind him. He (Sir Charles W. Dilke) observed that when the hon. Member in his speech said he was not going to impose Protection, the hon. Member for North Warwickshire (Mr. Newdegate) sorrowfully wagged his head. Notwithstanding the hon. Member's assurance, he (Sir Charles W. Dilke) must point out that the leading promoters of this meeting were those who had been going about with the hon. Member.

MR. RITCHIE: Going about!

SIR CHARLES W. DILKE: The hon. Member attended several meetings on the Sugar Question.

MR. RITCHIE: One.

SIR CHARLES W. DILKE said, he thought it was more; but, of course, he accepted the assurance. The promoter of that meeting was a Mr. Kelly, who was one of the leading promoters of the meeting at Exeter Hall. Moreover, taking into consideration the moment chosen for this Motion, the time of that meeting, the allusion to the great public opinion outside, and the similarity of the hon. Member's remarks with the speeches at that meeting, there seemed to be a connection between this Motion and the agitation. He (Sir Charles W. Dilke) would say no more, except that he believed the people of this country would not tolerate the re-imposition of taxes upon food; and those who advocated the imposition of duties upon foreign goods would find themselves greatly hampered by their alliance with those who advocated taxes upon food. He

must repeat that the Government would offer their distinct opposition to this Motion, because it sought to pledge them to four separate conditions. They could not pledge themselves with regard to these four proposals, or, indeed, any condition at all. They took their stand on the same ground taken by the late Government, that "it would not be prudent"—in fact, most inconvenient—"to give any assurance beforehand of the nature of the conditions that would be required in the negotiation of a new Treaty with France."

MR. RITCHIE said, he wished again to declare that he was in no way connected with the meeting in Exeter Hall.

VISCOUNT SANDON said, he thought it was very desirable that they should at once make it clear that they were not to be persuaded from discussing the great question of the French Treaty by the skilful way in which the hon. Baronet the Under Secretary of State for Foreign Affairs had mixed up the discussion with the question of Protection. He imagined there was hardly anyone in that House who was not faithful to the genuine principles of Free Trade as they were propounded by the wise founders of that movement many years ago. The hon. Baronet seemed to undervalue the importance of this great and grave matter. He tried at first to blame him (Viscount Sandon) for the course he had taken in the matter. He complained of the tone he had taken. If, however, the hon. Baronet and the Government had taken the straightforward course of saying that the public interests would suffer, the Opposition would at once have ceased to ask questions; but when they demanded information, they were put off with all sorts of excuses. Anyone who perused the answers; would find it exceedingly difficult to get anything like a definite answer. He denied entirely that there was any blame attaching to the Opposition from the tone which they had adopted in these matters. The Prime Minister the other day denied that there had been any concealment or mystery, and said that the negotiations should be conducted in the full light of day, and that the whole commercial world should know what was going on. But what was the course really taken? Before the Commission all that was done was to issue a general Circular, and after the Commission met a few times, audiences

were given to deputies representing various trades. The hon. Baronet had not given a very satisfactory explanation of the publication in French of the Commercial Tariff. What he said was that the Marquess of Salisbury had published certain despatches in French; but everything depended upon whom the Papers were for. The Tariff was required by the commercial community of England, and by a great number of the working men of England, and he re-asserted his position that it was a most extraordinary thing to publish the Tariff in French just when the negotiations were about to begin, and when everybody wished to know what the conditions were. He was borne out in that view by the Chambers of Commerce of Halifax, Glasgow, Greenock, Hull, Leeds, Maclefield, Carlisle, Dewsbury, North Shields, and Tynemouth. The Government must have known the feelings of the Chambers. More than this, they dropped out all information about agriculture, which was seriously affected by the new French Tariff. The duty on oxen was increased, as it was on game and other things, and on fresh butchers' meat a new duty was levied; but no information was given on these points, the subject was entirely ignored. Even had the English farmers been masters of the French tongue, they would not have known the changes proposed and affecting agriculture. There was here great reason to complain. Why did not the Government apply in the winter to the Chambers of Commerce to supply them with their views? It was a great mistake to suppose that it was only the trades directly affected that were interested in this question. There were trades in this country—and he cited Wolverhampton in particular, the centre of the iron and other trades—which had not been included even in the Cobden Treaty. The Government ought to have originated communications with the great centres of commerce to know what their views were. As this question had been treated in a somewhat cavalier manner, it was necessary to go back to 1860 and to see the views that were then held. Surely the whole condition of the world then was perfectly different from what it was now. He would quote the words of the Prime Minister to show what was expected from the example of one or two of the principal countries on

the rest of the world. The right hon. Gentleman said, on March 9, 1860—

“We came to the conclusion that if France once frankly, sincerely, and decisively entered upon the career of freedom of trade, her own experience of the commencing stages would be a security for her proceeding onwards towards its consummation such as we could not by any other means obtain. That is the meaning of the Treaty. That is the reason of the avoidance of minute arrangements, because they would have been a total misconception of the fundamental principles of the Treaty. . . . The moral contagion of France and England acting together in the sense of liberty of commerce. . . . I believe the example of France and England joined in one course and one policy will turn the hearts and minds of men to the blessings of peace and gradually spread from country to country a sense of the manifold evils that result from protection.”

He would venture to say that a different tone would be adopted now. Those hopes had been dashed to the ground, and they had to face a new state of things. The judgment of the Foreign Secretary on the Treaty of 1860 was that to a great extent it had been one-sided; its operation had not been so favourable as was expected. What were the provisions of that Treaty? The discussion was too apt to drift into general vituperation of Protection, and the real provisions of the Treaty were forgotten. It ought to be borne in mind that it was originally made for 10 years only. They gave up duties amounting to £1,200,000, and bound themselves not to impose fresh ones. The French agreed to put no higher duty than 30 per cent upon any article of commerce. The community were not satisfied with that Treaty. But it was made in a period of superabundant hopefulness. What had been its effect? No doubt, since it was made there had been a great increase of trade between this country and France. The President of the Board of Trade said the increase had been fourfold. How had the two countries respectively been affected? He would quote from the figures of the hon. Baronet the Member for Surrey, who was a great authority in these matters. Taking the 10 years from 1851 to 1860, their imports from France were £113,000,000; exports to France, £83,000,000; or, excluding foreign and colonial produce passing through this country as an *entrepôt*, exports were £39,000,000, as against £113,000,000 of imports. In 1861-70 imports were £296,000,000;

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exports, deducting foreign and colonial produce, £129,000,000. In 1871-80, there were £421,000,000 of imports, against exports, deducting foreign and colonial produce, £124,000,000. That was a picture of how fairly the Treaty had acted with respect to the trade of the two countries. He thought it was impossible to conceal from themselves the fact that the knowledge of the enormous preponderance of their imports from France over our exports to that country was creating a feeling of irritation and uneasiness amongst the working people of this country. But as to the real condition of their negotiations with France, only a few favoured Chambers of Commerce had been informed; the rest of the country had been left in ignorance, and would not have an opportunity of judging whether a good or bad bargain was being made. The general belief was that the increase in the French Tariff would cause a rise of 25 per cent over the present duties. Then, the change from *ad valorem* to specific duties was a serious one, and the hon. Baronet had treated the question too cavalierly. Chambers of Commerce looked upon the question as of the highest importance, and had an insuperable objection to it. In addition to these great changes, France proposed to make another great change with respect to Shipping Bounties. The hon. Baronet treated the question of Shipping Bounties very lightly; but he could assure him that was not the tone taken by the most experienced men in the country. He said they would not last long. But that was said long ago about Protection, which even now showed no signs of disappearing. The feeling on that question was very strong both in England and Scotland. He would not, however, take English opinion on this subject; but he would take the opinion of the Edinburgh Chamber of Commerce—shrewd Scotchmen—who, after a discussion on the subject, passed this resolution—

“That, in view of the increasing protective character of French legislation, especially in respect to the proposed system of Shipping Bounties, it is inexpedient to conclude any Commercial Treaty with France which will have the effect of interfering with the free action of the British Government in regard to its fiscal arrangements.”

The Edinburgh Chamber of Commerce looked upon the enormous trade of the

great lines of steamships, such as the Cunard Line, with its immense number of *employés*, as greatly affected by those Bounties. By those interests the present state of things was looked upon as most alarming. Similar views were expressed at Glasgow. If shrewd Scotchmen were alarmed on the subject of the Shipping Bounties, people in England should look very sharply to this matter; and he was sorry to find how very little the Government seemed to be alive to this grave question. He ventured to say that the position was a very grave one, and, he thought, ought to be treated with rather more gravity by the Government. He did not think it was at all fair that an endeavour should be made to put them off the scent by talking of Protection, whereas what they wanted was a serious and sober consultation as to a matter of grave national interest. Nor were the accounts received from their Consuls abroad more encouraging. Their Consuls at Havre and Nantes had written accounts of the Bounty system which were calculated to cause the greatest alarm. He could by no means take the *coulour de rose* view of their commercial position which the hon. Baronet had expressed. He quite agreed that the trade of England was enormous; but he knew enough of the feeling prevalent in the great centres of industry—in London, Liverpool, Staffordshire, and the Black Country—to make him feel that every possible endeavour should be made to better their position, and that they needed every possible advantage that the Government could give them which might raise and increase the emoluments which they got from the trade of their country. So far as he could see, they could not ignore the fact that depression did exist; and it was no use shutting their eyes to it, that there was a lack of employment, and that there was a feeling that their sufferings were considerably due to the general closing of the markets of the world to this country. Whether they were right or wrong was a matter for very serious and careful consideration, and he felt they were bound to give that consideration to it. What nation in the world was now opening its markets to them? Was Austria, Italy, Germany, or the United States, or their own Colonies? What leading market was more open to them, with the exception of Turkey, than

it was 30 years ago? Instead of that they saw this spectacle. It seemed to be almost a law that, as force institutions prevailed, as popular Assemblies gained more and more control of the great States of the world, as the popular voice got more powerful and potent in the administration of affairs, it seemed almost to be a law that industries of these countries were immediately greatly more protected in consequence. It only bore out the wisdom of the remark made by the Earl of Beaconsfield in 1860, when he said that they could never trust to the democracy of France to allow her great industries to be subverted or destroyed. He thought this country would act very rashly, with the great uncertainty of trade which existed, if they bound themselves to Treaties for any long period. The hon. Baronet expressed great contempt with regard to this; but let him observe that Parliament would have no chance whatever of having its say with respect to the bargain to be made with France. The Treaty would be virtually concluded, and it might be a matter for a Vote of Censure on the Government next year. Considering the feeling of the country and the uncertainty of trade for the future, it was surely wiser to limit the Treaty to 12 months. After the experiment it might be wise enough, if the country approved, to continue the Treaty for a longer period; but he ventured to say it would be much more acceptable, both to the leading manufacturers and to the great mass of the working people, if it was settled that their future with France, considering the enormous interests involved, should not be tied up for a very long period. There was one argument which he wished the House to attend to. The Prime Minister seemed to treat as a very slight affair their Treaties being terminable after 10 years. He held in his hand a list of the Treaties with Austria, Belgium, Italy, Columbia, Russia, Sicily, and the United States. The period of 10 years for which they were mostly settled had long since expired, and in many of these cases trade with those countries had been going on with a 12 months' notice for periods of 8, 12, and 16 years. He never heard that there was any uncertainty with regard to those countries. He would, therefore, beg the House to insist that the Treaty with France should be concluded only for a short period. He had

very considerable fear with regard to the action of the Government in respect to this Treaty. There had been what was called so much shilly-shallying about it. The right hon. Gentleman the junior Member for Birmingham (Mr. Chamberlain) surely meant something when, writing in the course of last month, he stated that—

“Her Majesty’s Government will be guided by the general sentiment of this country. I have no doubt that this feeling is, generally speaking, opposed to the conclusion of any Treaty which should be materially worse in its terms than the present one.”

That he (Viscount Sandon) held to be a very threatening expression to use. He believed it entirely misrepresented the feeling of the country. They did not want a Treaty worse than the present one. On the other hand, they wanted one better, and he believed the country would be bitterly disappointed if they found they had a Treaty not much better. Then, again, the language of the hon. Baronet (Sir Charles W. Dilke) himself was very doubtful. He said they would not agree to anything which would destroy any article of British trade, as if he thought it possible that any British Government would conclude a Treaty with France which should destroy an article of British trade. All this pointed, not to a better Treaty, but a worse Treaty. The truth was, that France was evidently very clever about this. She had frightened Her Majesty’s Government apparently, and the fact was they felt now that if they got something a little worse than the present Treaty they would do a very good thing in comparison with the state of things which France dangled before their eyes. He wanted, without doubt, a much better Treaty. Allusion had been made to the Cobden Club, and, as this was so, he would venture to quote the words of the noble Lord, now President of the Council, who, as president of the Club, said, as reported in *The Times* in July, 1880—

“We find that the principles of this Club are becoming prominent all over the world, and that in Free Trade, in foreign policy, and in home policy, these principles are what you have adopted as the motto for your books—‘Free Trade, peace, and goodwill among nations.’”

This expression showed, in his view, that there were many gentlemen living in a sort of fool’s paradise. They

were shutting up the markets of the world, instead of opening them, when they abandoned such commercial outposts as Candahar—many of which, he thought, in the future would have led to a great increase in British trade. If they went on the principle of drawing in, instead of—where it legitimately could be done—opening out fresh markets for themselves, it behoved them to be still more careful in their negotiations with the old countries of the world; and, as far as he saw, there was no substantial indication that the Government were awake to the serious gravity of this matter. He would venture to appeal to all those who valued the principles of Free Trade. [*Ironical cheers.*] That was the way the Government tried, if they could, to throw this matter of commercial negotiations into a question of Protection; but he would appeal to those who valued Free Trade to be very careful in their negotiations with the rest of the world, so as to secure that their great industries should not suffer and be seriously damaged by the Protection action of other nations, because he thought he must be very blind to the signs of the times who did not see that for some reason or other their exports were diminishing, and the country was flooded with foreign productions, and that in consequence there was sure to be a feeling arise against the principles of Free Trade. He trusted they would have some more satisfactory statement from the Government, and some assurance that, in revising their relations with France, they would not bind themselves for a period of many years.

MR. J. K. CROSS: I heartily agree with a good deal that has fallen from the noble Viscount (Viscount Sandon), and with some of the remarks of the hon. Member for the Tower Hamlets (Mr. Ritchie), and so far as their recommendations to the Government go, as to the making of a Treaty with France, which shall be better than the present Convention, the noble Lord and the hon. Member will have the support of almost every Member on this side of the House. But it seems to me, Sir, that there is a good deal of misapprehension as to the bearings of this question, as to our trade with France, and also as to our trade with many foreign countries; and a good deal of the opposition to the negotiation of a new Treaty is based upon ignorance

Viscount Sandon

of fact. There are certainly objections to any Treaty of Commerce from a Free Trade standpoint; the greatest, to my mind, being that we give colour to the fallacy that in reducing or abolishing import duties it is not the nation which abolishes the duty which is chiefly benefited, that it is not the nation which adopts Free Trade that gains the most. Then, why have a Treaty at all? For this reason, Sir, that without Treaty our goods will be subject to the General Tariff—a Tariff which before 1860 was prohibitive, and which is largely prohibitive now, but with which we have no more right to interfere than we have to interfere with the Tariffs of the United States or Germany. We have absolutely nothing to do with the fiscal, or even with the protective, arrangements of foreign countries; their Tariffs are arranged by their Rulers in what they conceive to be their own interest; and though we know that they would be gainers by the abolition of all protective duties, we have no right to impose our notions upon them. What interest can be served by trying to tie up the hands of the Government, and by forcing them to break off negotiations before they know what are the best terms offered by France? The duty of the Government is perfectly clear in this matter; they understand the interests of the community; and surely those who are so capable in the ordinary affairs of life will be able to negotiate a Treaty which will be satisfactory, if such a Treaty be possible. The noble Lord seems to be labouring under an extraordinary delusion respecting the General Tariff, and he confounds it with the *Tarif à Discuter*, arguing as if they were one and the same thing. The hon. Member for the Tower Hamlets considers specific duties an evil. Speaking as a manufacturer, wishing to do the largest possible trade with France, I do not hesitate to say that in every case where it is possible to assess a specific duty at all, it is preferable to an *ad valorem* duty. It is much better for the manufacturers of this country that the duties charged upon their goods should always bear the same relative proportion to their cost of production, irrespective of raw material; that the duty should always bear the same proportion to the wages. In cases where the raw material varies greatly in price, the price of goods varies also,

and with *ad valorem* duties, the tax upon the goods will at one time be equal to 30 per cent, and at another to 60 per cent, on the wages price. It is better for the French competitor also that the duties should be specific, for he will then be able to depend on a certain fixed protection, whereas in the case of *ad valorem* duties his protection is a movable quantity, not easily ascertainable. The hon. Member for the Tower Hamlets went on to speak of the Sugar Bounties. That is a matter which has often been discussed in the House, and which has caused much interest in the country; but it has always been a question whether the effect of the drawback was properly understood. A great reduction has taken place, not only in the duty but also in the drawback allowed on refined sugar exported from France; and the saccharine test has been altered, so that now, I believe, there is no bounty whatever on its export; and when sugar refiners complain that they are injured by the drawback allowed by the Austrian Government on raw sugar, and, at the same time, that they are injured by the French drawback on refined sugar, I really do not understand what they mean; for, at any rate, the drawback on raw sugar, if it has any effect, must cheapen raw sugar to them. What are the facts concerning French refined sugar? The latest published accounts of the French Government show that the exports of refined sugar from France to all the world—exports which are ruining the English sugar refiner—have fallen from 74,000,000 francs in 1875 to 39,000,000 francs in 1881, in the first six months of the year, or that they are about half now what they were in 1875; and still our sugar refiners seem to be no better off for the failure of the competition. I am told that some of the members of one great Scotch firm have bought land on the Thames, are spending £150,000, and are going to produce 70,000 tons a-year more refined sugar, to add to the depression. I heard something the other day which will illustrate the position of the sugar refiners. Some six sugar refiners, I think from Liverpool, called to see an hon. Member, and met him in the Lobby; they told him their dismal story, to which he listened with patience. When they had finished, he said—"Well, gentlemen, if you can find me a sugar refiner who lives in a

house of less than £200 a-year rent, I will support Mr. Ritchie's Motion." They sighed, but they went away sorrowful, for they had great possessions. Next day, he met two of them in the Royal Academy, and asked if they had bought any pictures. "No," they said, "there is nothing worth buying;" but one of the gentlemen found something worth buying before he left town, for he is reported to have bought a pleasant little house for the modest sum of £37,000. Of course, there may be poor sugar refiners; but in such cases as these I do not think much sympathy is needed. There are a great many people outside the House who oppose a new Treaty with France on very different grounds; but the question is really whether the Resolution brought forward to-night is not an unfurling of the old flag of Protection? I am glad to hear hon. Members say that nothing is further from their intention; but what are the reasons alleged for the great opposition to this Treaty? It has been stated over and over again by Members outside this House, and inside too, and in the public Press, that our trade is in a decaying state. There was a meeting the other night in a great hall in London, at which many Members of Parliament were present; it was there stated that the effect of Commercial Treaties had been disastrous to this country; that France was now in the van of commerce, America second, and England a bad third. There were a good many Members of Parliament present, but not one of them had the grace—nay, I may say not one of them had the common honesty—to protest against such a statement. A little time ago I ventured to move for a Return showing the exports of France and England, in their home manufactures of cotton, woollen, linen, and silk. That Return, presented on the 1st July, showed that the exports of England were, in 1849, £40,000,000; in 1859, £73,000,000; in 1869, £107,000,000; in 1879, £94,000,000; and in 1880 they were £109,000,000. The French exports of the same manufactures were—in 1849, £16,000,000; in 1859, £32,000,000; in 1869, £35,000,000; in 1879, £28,000,000; and in 1880 they were £29,000,000; showing an increase in the English exports between 1859 and 1879 of 32 per cent, against a decrease in the French exports in the same period of 11 per

cent; and, carrying the comparison on to the year 1880, we find that whilst the English exports of these four staple articles had between 1859 and 1880 increased 50 per cent, the French exports of her own production of these articles had decreased 10 per cent. How then can it be said that France is beating us out of the markets of the world? But I shall be asked why do I not compare the international exports and imports of the two countries? Is it not a fact that France sends to us much more than we send to her? Yes, she sends to us direct much more than we send to her direct; but what does it matter to us if she takes calico from Manchester in return for butter, or if she takes silk from China or coffee from Ceylon? The goods sent from here to those countries really discharge our debt to France. A good deal of stress is laid on the fact that, according to the Returns, France appears to be sending to us some £15,000,000 a-year more merchandize than we send to her; and we are asked if this will not cause a drain of bullion, and if this is not the sign of a losing trade? Well, Sir, how stands the bullion account? I have as much right to judge the state of trade by the bullion account as anyone else has to judge it by the trade account; and if I find that we get much more bullion from France than we send to her, I might point to that as a proof of a profitable trade. What are the facts? In the last two years we have received from France £9,437,000 in gold and silver coin and bullion, and we have sent to her £2,192,000, showing a balance in our favour of £7,245,000; and I have just as much right to quote this as a proof of profitable trade as hon. Members have to quote their figures as a proof of unprofitable trade. But, Sir, such comparisons are worthless. Then, an exact comparison is impossible for another reason; our Board of Trade Returns do not discriminate between goods going into France through foreign countries and those which are sent for home consumption to those countries. In connection with the Treaty Commission I had occasion to try to obtain accurate information. Finding that the export of English yarn to France appeared in the export tables as £478,000, and not thinking this correct, I made inquiries from half-a-dozen merchants in Manchester, and found

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that they alone sent more yarns to France than the export tables showed, but that the greater part of their sendings went through Antwerp, and did not appear in the exports to France at all. I found also that many goods coming to this country from Switzerland and some from Italy were entered among the French imports, making it impossible to compare the items of international trade. But really these returns matter nothing. These matters may be well left to our merchants. What our merchants have to do is this—they have to take care that they get more than they give. What are our Board of Trade Returns? They are a record of the sum total of the national business—a record of the aggregate of the individual transactions of our merchants; but I am afraid they are something which many hon. Members do not understand, for when it is stated that our imports are £120,000,000 a-year more than our exports, I hear hon. Members say, shaking their heads—"What nation on earth can stand such a drain?" Well, Sir, the drain has been going on for a long while. In the last 23 years we have imported £1,600,000,000 more merchandize and some £70,000,000 more coin and bullion than we have exported; we have, at the same time, increased our foreign investments in a marvellous manner. We have more railways, more shipping, more mines and manufactories, and more comforts of all kinds; and I venture to think that even if, in the course of a few years, our imports should exceed our exports by £200,000,000 annually, we shall not be ruined. I may mention one article which does not appear in the Board of Trade Returns at all. We do a large business as manufacturers and exporters of ships; but "shipping" does not appear among our many exports. May I say a few words as to the meaning of the great figures put before us by the Board of Trade? Hon. Members cannot quite understand how it is we get home £120,000,000 a-year more than we send out. It arises, to a great extent, from the fact that our merchants know exceedingly well what they are doing. When they send a commodity abroad they must get more for it than they give at home. If the House will allow me, I will give in detail three instances of our export and import

trade. In the first place, I will take the shipment of £1,000 worth of cotton goods to Bombay, the returns coming home in raw cotton; in the second, I will take the shipment of £1,000 worth of pig iron to Calcutta, the returns coming home in jute; and in the third, the shipment of £1,000 worth of coal from Cardiff to San Francisco, the returns coming home in wheat. I give the gross returns in order to avoid confusion in detail. In the shipment of £1,000 worth of cotton goods to Bombay the freight will be £50; on arrival the goods will have to fetch £1,050 to clear expenses; the merchant or his agent will have the cash in hand; he might send it home, but this is the last thing he thinks of, and he invests his £1,050 in cotton, freighting it to Liverpool or London at a cost of £70. This cotton will require to be sold for £1,120 to clear expenses. There will appear in the export table an "export" of £1,000 of cotton goods, and there will appear in the import table an "import" of £1,120 of raw cotton, and no one will suffer loss by excess of import. In the second instance, £1,000 spent in pig iron will, at very low prices, buy 500 tons, the freight of this by steamer to Calcutta will be £500; the iron must realize £1,500, which sum invested in jute will purchase 100 tons; the freight to Dundee will be £300, and the value of the jute on arrival £1,800. There will appear in the Board of Trade Return an "export" of £1,000 of iron and an "import" of £1,800 of jute, and no one will be damaged thereby. The next instance is more startling. £1,000 will buy 2,000 tons of coal, free on board at Cardiff; the freight of this coal to San Francisco will be £1,500; the amount realized for it in San Francisco will be £2,500, which sum invested in wheat will purchase 2,000 quarters. The conveyance of this wheat to Liverpool will cost £1,500, and it will require to be sold at £4,000 in Liverpool to cover cost and expenses. In the import tables there will be an entry of £4,000 wheat; in the export tables there will be an entry of £1,000 coal; the one exchanges for the other. Is anyone poorer for this transaction? But it may be said these are ideal figures. [Mr. NEWDEGATE: Hear, hear!] Does the hon. Member for North Warwickshire not accept them? Well, I will quote

from the Board of Trade Returns themselves. Last year (1880) 587,000 tons of coal were sent from this country to India. They were valued here at £265,000, and appear at this figure in our export tables; in the Indian import tables they are valued at 11,380,000 rupees, or a little over £900,000 sterling money. This sum purchased 60,000 tons of jute, the value of which on arrival here was £1,080,000. The coal left this country valued at £265,000; its equivalent, the jute, came home valued at £1,080,000, and I do not know that anyone is worse off for the exchange. But it is said to be unpatriotic to export our coal in exchange for wheat, that we had better grow our corn at home, and engage more English labour. But would that be the result? Will any hon. Member say that on imported wheat we spend less in labour than on home-grown wheat? What was the cost of the labour employed in the production of a quarter of wheat in England? I ask the hon. Member for Mid Lincolnshire (Mr. Chaplin), who is an authority on such matters. He will, I hope, correct me if I am wrong. From what I can learn, I believe that in quoting 10s. as the labour cost of the production of a quarter of wheat in England I am in excess of the average. Well, what is spent on the getting of a ton of coal in this country, sending it to San Francisco, exchanging it there for a quarter of wheat, and bringing the wheat home? The getting of the coal will cost nearly 4s. in labour; it will be put on the railway and on shipboard by Englishmen and sent across the ocean in a ship built by Englishmen, with English capital. On arrival at San Francisco it is exchanged for wheat, the sending of which home again employs English shipping, labour, and capital. When the wheat arrives here, how much of its cost is represented by British labour? There is the labour spent on sinking the pit, on getting the coal, on transferring it to the port, on building the ship and manning it; and there is the labour employed in taking out the coal and bringing home the wheat. I do not know how I can assess the labour on a quarter of coal-won wheat at less than 30s., or probably three times as much as is spent on a quarter of home-grown corn. But what is the advantage to the nation? A merchant buys 500 or 1,000 tons of coal,

sends it abroad, and exchanges it for wheat. He brings home a quarter of wheat in exchange for a ton of coal. A ton of coal in England at the present time is not worth more than 8s., in many cases not nearly so much. If we get in exchange for coal something which, in this country, is worth five times as much as the coal, is not this an advantage to the nation? I do not see that we are worse off through entering into transactions such as these. Well, Sir, what is to be the Autumn campaign of Gentlemen opposite? Is the flag of Protection again to be unfurled? Are we to lose that freedom of action we have enjoyed so long? Are we to accept trammels which hon. Gentlemen are not bold enough to support in this House, but which, when outside these walls, they do not hesitate to advocate? I do not think their programme will succeed. I suppose that hon. Gentlemen opposite will allow that if foreign nations imposed no duties on our exports, our trade would be very flourishing. Well, there is one great trade not hampered by foreign Tariffs, the greatest industry in this country, except agriculture—the coal trade; the trade which really is the key to the commerce of the world. Every nation is ready to receive our coal, yet the coal trade was never in a condition so depressed as it is now, notwithstanding that the production of last year was the greatest on record. What will be the result of Protection, if you try it? You must take heed from Germany. She is not now pointed at as a nation in the van of commerce. She was so a little while ago; but the blighting breath of Protection has passed over her, and she is falling behind. Some hon. Members wished to place a differential duty on wheat. They have such duties in Germany, and they are very moderate; not more than 5 per cent. Yet it is calculated that the difference in the price of rye bread, through the action of this duty, is such that a man will find himself short of a month's provision during the year. If the price of food is advanced 10 per cent, as some propose, the purchasing power of the workman, and of everyone, would be correspondingly reduced unless wages were raised; but there is no record, so far as I know, in the history of mankind where a tax upon food has raised the rate of wages; and in Germany the question now is not

whether wages shall be raised, but whether the workman can have as much work and wages as before. Manufactories are going on to shorter hours, and discharging workmen to emigrate, until it appears that no less than 145,000 emigrants have left the shores of Germany during the last six months; and it is said that during the current year the export of humanity from that country will be 250,000. Perhaps I may be excused if I speak earnestly on this subject. My earliest days were passed in the shade of Protection. I do not want those times to come again. May I quote a short description of those times, written, not by a Radical, not even by an enthusiast for Free Trade, but written by the French historian, M. Guizot? The quotation refers to my native town; and he says, speaking of the time from 1836 and 1840—

“Bolton, a town of the second class in Lancashire, near Manchester, containing about 50,000 people, had been thrown by the commercial crisis into a condition of utter misery. Out of 50 manufactures 30 were closed, more than 5,000 operatives knew not where to seek or to obtain the means of sustenance. Disorder and crime, as well as misery, increased with awful rapidity; nearly half the houses were tenantless; the prisons overflowed, infants died in their mothers' arms, fathers deserted their wives and families, striving to forget those whom they could no longer maintain. But the evil continued; no succour came.”

Then it was, Sir, that the agitation in favour of Free Trade began. Do hon. Members opposite wish for a return of those times? My right hon. Friend the Chancellor of the Duchy of Lancaster, no doubt, remembers the condition of Bolton then, and I do not think that anyone will wish to exchange our present experience for a return of those old days. In regard to this Resolution, I am most anxious that our Government should have the power to make reasonable Treaties with foreign nations in the interests of commerce. I have the fullest confidence that the Government will carry out the best arrangements that can be made, not only with France, but with other countries also; and I sincerely hope that nothing may ever be done by our statesmen to endanger that most precious privilege of Englishmen—the right to buy what we most want where we best can.

MR. JACKSON said, he wished only to give a few reasons why the House

should adopt the Resolution of his hon. Friend. He was sure everyone who had listened to his hon. Friend the Member for Bolton (Mr. J. K. Cross) must have felt satisfaction in listening to such an interesting and able speech. It was not his intention to follow him in the line he had taken. It surprised him, however, to hear the hon. Member express a desire for specific as against *ad valorem* duties; and he was surprised to hear the statement that we had nothing to do with the way in which the French levied their duties. He had always understood that the Treaty of 1860 was a bargain between the two countries, and he had yet to learn that one of the parties had no right to interfere when they felt that bargain had been broken. In the next place, he could not accept the view of the hon. Member that it was a sign of prosperity that our imports very largely exceeded our exports. If that were so, why did not the hon. Gentleman recommend that no effort should be made to reduce the rates in the new French Treaty—because that would most effectually limit our exports, and probably increase our imports? Coming back, however, to the question in hand, there were one or two points in the speech of the Under Secretary of State for Foreign Affairs which he thought came very strangely from him. He could not help thinking when he was addressing the House that he was making a very clever speech; but he evaded the difficulties which had been brought before them. In regard to specific duties, he pointed out that this question had been considered by the late Government in regard to a proposed Commercial Treaty with Italy. He also pointed out that the Government had no objection in principle to specific duties. He (Mr. Jackson) at once said he had no objection in principle to specific duties; but the difficulty which he and his constituents felt in regard to the question was that all attempts hitherto made to convert *ad valorem* into its exact equivalent in their manufactures had failed. The hon. Gentleman did not enlighten the House as to whether the Commissioners had been able to find out an equivalent in specific duties which would be satisfactory to Bradford and Leeds manufacturers and merchants. The question under discussion was one in which his constituents took a deep interest, and

one in which they were vitally concerned. A Petition had been presented to the House that day which practically followed the lines of the Resolution, and which was signed by 25,350 of his constituents, praying the House to sanction no Treaty with France on worse terms than the existing one. Of the 15,000,000 of British manufactures which were exported from England to France about one-fourth was exported from the West Riding of Yorkshire, and that showed how deeply interested the district was in the question. Instead of so many complaints being made against the Government, he would rather that their hands were strengthened so as to enable them to make a better Treaty. He did not see why the Government should not have followed the course adopted in regard to the Treaty of 1860, and have left to Parliament the power of final ratification. Many persons to whom he had spoken on the subject did not think this would in the least degree have endangered the Treaty or diminished the chances of making better terms. As regarded the proposal to alter *ad valorem* to specific duties, he would remind the House that the Joint Commission—British and French—which sat in 1860 was, after several months' labour, unable to come to any agreement as to any proper equivalent specific duty so far as woollens were concerned. He was open to correction if he was wrong; but he was informed that the proposals which the French Commissioners had made for the conversion of *ad valorem* into specific duties on mixed woollens represented an increase in the present rate of duties of from 20 to 200 per cent. If these were the most favourable proposals the Government had received, he could not conceive that they would for one moment listen to them, as they would destroy the trade of a very large district, so far as France was concerned. The district which he had the honour to represent had another important trade—namely, the leather trade. Leather was divided into four classes. The French Government proposed to make some slight increase in three of the classes, but a very large increase in the fourth. They proposed, in the last-mentioned case, to increase the duty from 10 francs per 100 kilos to 50 francs per 100 kilos, or an increase of 400 per cent. This proposal, although it affected only one

category of goods, affected 90 per cent of the total amount of leather exported from this country to France, and covered the whole amount of leather of British manufacture exported. He mentioned that to show the danger of the Commissioners being misled in endeavouring to fix an average which would be equivalent to the present *ad valorem* duties. A constituent of his had received a trade circular, dated June 6, from a wool broker in Melbourne, which said that in the address of the retiring Chairman of the Melbourne Chamber of Commerce reference was made to the contemplated new line of steamers from Marseilles to that port, which the French Government were likely to subsidize for the special purpose of enabling French manufacturers to obtain their supplies of wool direct. That might be considered simply a trade circular; but the Returns furnished by the Board of Trade tended to confirm the view that France had, during the last 10 years, been more and more taking her supplies of raw material from abroad direct, and not through the London markets. The exports of British produce and manufactures and of foreign and Colonial goods from this country to France showed this result. In the 10 years from 1861 to 1870 the exports of British manufactured produce to France amounted to £101,590,000, those of foreign and Colonial goods to £128,490,000. From 1871 to 1880 British exports to France had increased to £160,230,000, while the exports of foreign and Colonial produce had fallen to something over £124,000,000. The bounties, therefore, which the French proposed to give to their shipping involved, not an imaginary, but a real danger. So far as he was able to judge, under the Treaties at present in existence, subject to annulling on 12 months' notice, there had been found no inconvenience to trade. When the revision of Treaties of Commerce had to be taken in hand, it was exceedingly undesirable to bind this country for a long period. One other matter he might refer to. Under the present French Patent Laws, inventors, more especially the manufacturers of machinery in this country, were placed at a great disadvantage. Under any patent taken out in France the patented part must be made in that country. The consequence was that one portion of the machinery was probably made in this

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country and another portion in France. That was an arrangement which worked very disadvantageously for the manufacturers of machinery in this country, and especially in the borough (Leeds) he had the honour to represent, which contained some of the most eminent machine makers in England. One firm had found the inconvenience so great that it had been compelled to take a workshop in Lille for the purpose of carrying out the arrangement. He hoped that in negotiating a new Treaty with France care would be taken that our machine manufacturers should be placed on equal terms with the French. They had heard a great deal that night about Free Trade, Reciprocity, and Protection. The hon. Member for Manchester (Mr. Slagg), whom he always listened to with pleasure, went out of his way the other day to say something with regard to Reciprocity and Protection, and he looked to technical education as the cure for the difficulties under which we laboured with regard to hostile Tariffs. Well, he had heard a story which might throw some light on that point. A Bradford manufacturer told a merchant dealing with America that he had some goods which he wanted to send to that country. He was recommended to send, not the whole of those goods, but only three bales, representing about £400. Those goods were sold at a great advance upon Bradford prices; but when the merchant told the manufacturer that there was a debit of £36 against him, he had the greatest difficulty in making the manufacturer understand that in consequence of the duties, *ad valorem* and specific, and the charges imposed, the manufacturer, had he given the goods away at Bradford, would have been £36 in pocket. How would technical education remedy that? He should like to ask the hon. Gentleman whether he thought that the extension of any system of technical education in this country—an extension which he should be glad to see—would enable us to compete against such a state of things as that. The hon. Gentleman had said that Reciprocity and Protection were dead and buried; but that there had been an attempt to resuscitate them. It struck him that the hon. Gentleman must have been visiting their grave and have seen their ghosts, so very much afraid of them was he. Recently he was speaking to an American Free

Trader, who, he believed, was a friend of the hon. Member for Rochdale (Mr. Potter), and who had recently come from America, and he asked the gentleman when the Americans were going to take their duties off. The gentleman replied that he did not think much progress was being made in America in the way of Free Trade. He (Mr. Jackson) asked him what would be the effect of imposing a duty upon all corn imported from America, and the reply was—

“The imposition of a duty upon corn by the British nation would do more to spread Free Trade principles in America than anything which has taken place for a long time.”

It had been stated on high authority that force was no remedy; but when persuasion and entreaty had failed it might be useful to try a little coercion. He did not believe that there was a man in this country who desired Protection for Protection's sake. But if we did not occasionally speak out and make it known that we intended, if need be, to protect ourselves, we should find ourselves left behind in the commercial race. He quite agreed with the hon. Member who preceded him that the country was not in a deplorable condition; but the mere fact that our trade was a large one did not prove that employment was being provided for the large mass of the population, and he could show by figures that at all events with regard to particular industries our imports were increasing, while our exports were decreasing. Taking manufactured woollen goods as an example, it would be found that whereas the value of our imports from France in 1872 amounted to £2,800,000, in 1880 it amounted to £4,800,000; while in the same period that of our exports to that country had diminished by £1,000,000. That, at all events, was not a condition of things which was satisfactory to the British manufacturers. Looking at the matter in a broader way, it would be found that while the total value of our exports of woollen goods in 1872 was £32,000,000, it had fallen in 1880 to £17,265,000, or nearly one-half. On the other hand, the value of our total imports of the same class of goods had risen from £4,380,000 in 1872 to £7,649,000 in 1880. It was a noteworthy fact that our periods of prosperity in this country were those in

which we exported the largest quantity of goods ; while our periods of depression were those in which we exported the least and imported the most. He trusted, therefore, that the Government would agree to this Resolution, which he believed would strengthen their hands in the negotiations for a Treaty with France, and would tend to promote the interests of the manufacturing industry of this country.

MR. BARRAN said, he must congratulate his hon. Friend and Colleague (Mr. Jackson) upon the temperate tone of his speech. If his example had been followed by Gentlemen of more experience in the House, very much better service would have been done to the trade and commerce of the country. He thought the House would have no difficulty in discerning that the object of the hon. Member for the Tower Hamlets (Mr. Ritchie) was the very object which he had himself deprecated. There could be no doubt at all that the question of the Sugar Bounties and the question of Reciprocity was to be the Party cry of the Tory Party. The new-born zeal of the noble Lord the Member for Liverpool (Viscount Sandon) on behalf of the working men of this country would have been very much better manifested at a time when the noble Lord was in power, and when the late Government in the year 1877 had a fair chance of concluding a Treaty on terms such as we should be able to accept at the present day. He was quite sure that whatever might be said of the action of the Foreign Office at the present day, their conduct compared favourably with that of their Predecessors. They had been willing at all times and under all circumstances to lend their aid in furtherance of trade and commerce. The position of the Liberal Party entitled the Ministers to some consideration. At any rate, they did claim to be Free Traders ; and, as Free Traders, they claimed to be the champions of the best interests of the nation. He had not lost his faith in Free Trade, and he thought that the public would be reassured when they read the speech delivered that night by his hon. Friend the Member for Bolton (Mr. J. K. Cross) ; and those who had been disposed to yield a little to the entreaties of men who were anxious to return to the trammels of Protection would also, he imagined, be inclined to

have some faith in Free Trade principles. If we looked back to 1860, when the Treaty was first made, and compared the condition of the trade and commerce of this country, if we compared the social condition of the people, the Returns of pauperism, or the state of the labour market of that time with the present, we must feel that very great strides had been made. We were now asked to return to the old system of Protection. The proposition of the hon. Member for the Tower Hamlets would lead us into the difficulty of having no Treaty with France and of being subjected to the same disadvantages as we experienced in 1860. At that time France was in a state of great depression ; her industries were languishing, and her people dissatisfied. She adopted a more wise and liberal principle, and negotiated with this country for the purpose of reducing her duties. Up to that time her duties were prohibitory. He was right in saying that both England and France had been largely benefited by the changes then made. The changes were, no doubt, subject to the fluctuations of trade and commerce ; and France had, no doubt, suffered, as other nations had suffered, from depression in trade. When this depression occurred from time to time, people were naturally disposed to seek for remedies ; and the probability was that France, at the present time, was seeking for a remedy which many of them would condemn. He was anxious that we should not follow her example—that we should maintain our principle of Free Trade. But he contended that we had a perfect right to make such terms with France as we felt disposed to do. We were in the same condition as regarded France as we were in 1860. France had denounced the Commercial Treaty and had set us free. The hon. Member for the Tower Hamlets spoke of France as if she were doing something unfair by imposing certain conditions. He was not sure that the hon. Member would not say that France had no right to promulgate a General Tariff. She had promulgated a General Tariff. Those were the terms on which she was disposed to do trade with the whole world. But she did not say that she was not prepared to make special conditions with us. She had appointed Representatives to enter into negotiations with us. They had met in London and

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they had exchanged views with the Commissioners. He had great confidence in the ultimate result being satisfactory. We must accept the best terms we could get, or we must adopt the principle of having no Treaty. He contended that the advantage which we enjoyed in a moral point of view from the Treaty with France was equal to that which we enjoyed in a fiscal respect—that the fears of a French invasion had vanished in consequence of our commercial intercourse with France. This was a question not merely of pounds, shillings, and pence; it was a question of living on amicable terms with our neighbours, which would lead to the prosperity of the two nations. The noble Lord the Member for Liverpool said he knew a great deal about the working men, and he was anxious about their present condition. Though the trade between this country and France had not lately been as prosperous as many manufacturers wished, he had no hesitation in saying that the condition of our people generally was very satisfactory; that there was very much less distress, much less pauperism, and much more satisfaction and peace among our people now than 30 or 40 years ago. Emigration from this country to America had decreased 30 per cent. One of the causes—the main cause—of the depression which existed in this country at the present time was a production of goods—and he took blame to himself in that matter—in excess of the demand of the nation and of the world. He had no fear for England, except we lost confidence in ourselves. If we maintained our Free Trade principles and continued to have such a Ministry as we had now, and which had done so much to promote our material welfare, we should enjoy happiness and prosperity.

MR. NEWDEGATE said: Mr. Speaker, I wish to say nothing that may disturb the confidence of the hon. Member for Leeds (Mr. Barran), who has just sat down; but I confess that it is with intense satisfaction I find the commercial interests of this country preparing for a Commercial Treaty, by giving this House the benefit of their knowledge and experience. I well remember the Treaty of 1860, and I remember how very much we were kept in the dark as to the negotiations, which were previously conducted by Mr. Cobden

—as it appeared afterwards, on the part of the Government. There is a most singular despatch from the late Lord Clarendon, who was then our Minister in France. He wrote to the Foreign Office begging to know in what capacity Mr. Cobden appeared, for it was evident, although Lord Clarendon most good-humouredly overlooked the fact, that Mr. Cobden was, in fact, superseding our Minister in Paris, by negotiating without authority with the French Imperial Government. That despatch is in the Library, and I think that it affords a warning, which the commercial interest and its representatives in this country should bear in mind, to the effect that when it is known that a Commercial Treaty is contemplated, they should urge their views upon the Government in this House. I rejoice to say that the right hon. Gentleman the First Lord of the Treasury, in answer to a Question from myself the other day, assured this House that whatever negotiations might be carried on—whatever agreement might be made between Her Majesty's Ministers and the Ministers of France with respect to a Commercial Treaty—the functions and the rights of this House should be respected, and that any such agreement should be provisional until it received the consent of this House. [Mr. GLADSTONE dissented.] I am sorry to see that the right hon. Gentleman shakes his head and denies the accuracy of my impression. It is necessary that this House should remember that Commercial Treaties differ from all other Treaties, inasmuch as although the conditions of a Commercial Treaty may not alter existing duties, it is almost inevitable—actually inevitable—that the Treaty should trench upon the functions and the power of this House as to the imposition of new or renewed duties. Now, Sir, in 1860 this question was formally decided; and, with the permission of the House, I will read the words of Lord Palmerston, showing how genuinely he understood and respected the right of the House to have its powers and its functions reserved unfettered by any engagement entered into by Her Majesty's Ministers without the assent of this House. Speaking of that Treaty, Lord Palmerston said—"When ratified the Convention will be laid"—(he did not call it a Treaty, but he called it a Convention)—

"When ratified, the Convention will be laid before the House; but this much I will say now in answer to the question of the right hon. Gentleman"—

(the late Lord Beaconsfield)—

"as to what would be the function of this House in regard to that Convention"—

(he did not call it a Treaty)—

"that the arrangements stipulated to be made on the part of Her Majesty are made conditional on the consent of Parliament to them. Unless we have the consent of both Houses of Parliament we are free from any engagement that has been contracted."—[3 *Hansard*, clvi. 109.]

And that is the position which I trust the right hon. Gentleman will reserve to this House, as it was reserved before. Notwithstanding the declaration of Lord Palmerston, which I have quoted, in 1860 the House still was not satisfied that it had been sufficiently consulted, and what did Mr. Disraeli—then the Leader of the Conservative Party in this House? Sir, he moved this Resolution because the House felt that there had been an undue degree of concealment in the negotiations—

"This House does not think fit to go into Committee on the Customs Acts, with a view to the reduction or repeal of the Duties referred to in the Treaty of Commerce between Her Majesty and the Emperor of the French, until it shall have considered and assented to, the engagements in that Treaty."

The House divided. It was a very full House, and these are the numbers:—For the Motion 230; against the Motion 293: Majority 63. This shows plainly how determined the House was not to allow itself to be led blindfold into any compromise of its power of taxation. I am glad, therefore, to find that the Motion of my hon. Friend the Member for the Tower Hamlets (Mr. Ritchie) has elicited from the House the true spirit of independence, which Mr. Pitt, the negotiator of the first Commercial Treaty with France, so much respected in 1797 that he laid the whole conditions that he had proposed to France on the Table of the House for five months before the Treaty was completed. I mention these facts to show how completely justified is the hon. Member for the Tower Hamlets in bringing this subject before the House; since now, at the conclusion of the Session, we have the prospect of negotiations with France; and the House, in the fulfilment of its duty to the country, is bound to reserve its assent and its sole power of dealing with taxation, lest Her Majesty's Minis-

ters should imagine that the House has abandoned to them the functions which rest solely with itself. I was glad to read what the right hon. Gentleman the Prime Minister said at the Lord Mayor's dinner, that he believed this House to be in no way deficient in talent, as compared with any of its predecessors; and I think the House, by its conduct to-night, is proving itself worthy of that commendation by showing its readiness to defend the rights and functions with which the nation has intrusted us. To-night I am better satisfied on this subject than I have been for years. The hon. Member for Bolton (Mr. J. K. Cross) wished to tempt me into a discussion as to the balance of trade. It is a subject on which I have both written and spoken; but I have become more cautious than the hon. Member for Bolton seems to be, for, looking across the House, after presenting some figures calculated to produce a very strong impression in favour of the present commercial policy, as affecting the balance of trade—looking across the House the hon. Member said—"But I shall be told that I am dealing with imaginary figures." I could not withhold the expression of my assent. I have had some experience of the difficulty of obtaining exact statistics to illustrate fairly the balance of the trade of the United Kingdom, and it is not by partial instances of isolated transactions that that great question can be duly or safely tested. I stand here, Sir, unblushing in the retention of my former opinions. I am prepared to say what I was obliged to tell the Mayor of Birmingham, the brother of the right hon. Gentleman the President of the Board of Trade. The Mayor, at a meeting in Birmingham, feared that I might enter on this subject. I replied—"You must remember that though I may be in a minority in England, I have the majority of the commercial world with me in these opinions." I cannot believe that our brethren across the Atlantic are lunatics any more than ourselves. I think it would be a reflection on the English race if I were to be so presumptuous as even to appear to admit anything of the kind. Will hon. Members believe that I, who was the last Chairman of the Protection Society for the United Kingdom and the Colonies—will hon. Members believe me to-night, when I tell them that when I first joined

Mr. Newdegate

that Society my first struggle was to induce the members of it to agree with the late Sir Robert Peel, who had then proposed the reduction of various Customs' Duties, which had been imposed or enhanced by the previous Liberal Government? I can assure the right hon. Gentleman that such is the fact. I, and the late Mr. Beckett-Denison, supported, and successfully supported, the Tariff introduced in 1842, and the further reduction of Customs' Duties by the late Sir Robert Peel up to 1845. And yet you nominal Free Traders seem to consider me a fanatic—I, who supported the late Sir Robert Peel in converting the prohibitory Tariff of this country, which had been imposed and enhanced by the Liberal Governments which preceded that of Sir Robert Peel in 1842, into a scale of moderate protective duties. The term Free Trade has been perverted; it has been misused for years to designate the system of free imports maintained by this country, while the Tariffs of other countries are becoming more and more protective. That which hon. Members on this side of the House and the commercial public are beginning to demand is not Free Trade in the perverted sense that I have described, but Fair Trade, so that we may trade with foreigners on something like terms of equality. The only difference between the two sides of the House is, I believe, as to the means by which fair trade may be obtained for the commercial and industrial interests of this country. I hope, I have reason to believe, that the bigotry of free imports is being dispelled. The Representatives of the commercial interests are here. I am here in answer to the appeal virtually made by the Prime Minister in his speech at the Lord Mayor's dinner. We are here for the purpose of arming, for the purpose of strengthening the hands of Her Majesty's Ministers in their negotiations for a Commercial Treaty with the Government of France.

Mr. WILLIAMSON said, it was quite true that the hon. Member for the Tower Hamlets (Mr. Ritchie) did not advocate Protection pure and simple; but he did not advocate Free Trade. The hon. Member advocated Retaliation, and that they knew to be only another name for Protection. Although the hon. Member repudiated the idea of imposing a duty on breadstuffs, yet, from the cross-examination to which he subjected him

(Mr. Williamson) before the Royal Commission, some notion of that kind must have been floating through his mind. It might appear paradoxical, but he had the impression that the hostile Tariffs of some of the competing nations did not do us the injury that some hon. Members opposite imagined, but helped to stimulate our trade to a certain extent. At least, they gave us a firmer grip on the non-manufacturing countries, such as South America, China, Japan, and Australia, which were the largest consumers of our goods. He did not think the hon. Member had treated the House fairly in the years he had selected for comparison. He had also not placed the figures in every case fairly before the House. In truth, no nation that imposed high Tariffs on manufactured goods could compete with us, and never would be able to do so. Practically the shipping trade of America had been annihilated by Protection, while the British shipping trade had been remarkably prosperous for the last two years, and he hoped that prosperity would continue. No doubt less profits were made, and complaints were heard in consequence; but that was one of the results of the altered conditions brought about by telegraphy and other things, and they must accept the situation. He did not concur in the gloomy views taken by the hon. Member as to the trade of the country. A number of our manufacturing districts—notably Leicester and Nottingham—had been fairly prosperous of late, and the workmen fully employed. In Bradford, on the other hand, there had been much depression; but that was capable of explanation. He did not think the Bradford people were up to the mark in point of taste. They manufactured cheap articles of dress for women, and it was very difficult to make these tastefully. They also manufactured them chiefly of lustres, whilst of late the fashion had changed in favour of softer and more clinging substances. As to the sugar trade, he was sure that we had suffered more from antiquated methods of refining than from foreign bounties; and he understood that recent legislation had so modified the French Sugar Bounties that they could exercise but little influence on British trade. He would contend that some of the facts stated by the hon. Gentleman the Member for the Town Hamlets (Mr. Ritchie)

and by the noble Lord the Member for Liverpool (Viscount Sandon) were capable of explanations different from those which they had given. He did not suppose for a moment that the House would sanction the Motion, and he hoped it would be rejected by a large majority.

Mr. ECROYD begged to compliment the hon. Member for Bolton (Mr. J. K. Cross) upon his able speech. In this debate it was no Party question they were discussing; and if there was one thing more than another which, as a new Member, he was pleased to observe in the House, it was the ready allowance made for honest differences of opinion which they must always expect to find among men who studied great political questions. It was not to be wondered at that there were great diversities of opinion among those who were classed as Protectionists. No doubt, some Gentlemen did desire to see a return to Protection; but he (Mr. Ecroyd) was not one of them. There were, no doubt, also those who held the opinion that the best way to bring round nations like the United States and France was to retaliate upon them in this way—that if they put a duty of 20 or 50 per cent on our leading productions we should put the same duties upon theirs. He could conceive no principle more irrational, and none less capable of being carried into practical application; and if that were the meaning of Retaliation he was no Retaliationist. With regard to the term Reciprocity, it was very difficult to understand what meaning to attach to it. It contained within itself the germs of those high desires expressed by the hon. Member for Leeds (Mr. Barran) for the peace and better understanding between nations in which they all agreed. Reciprocity, in whatever sense they took its meaning, must surely be a thing they would all desire to bring about. There had been a great deal of discussion about the balance of trade, and perhaps the general question might be approached in that way very profitably. He was one of those who attached no necessary importance to the discrepancy between the exports and imports of this country. We had very large foreign investments, and in connection with our great carrying trade a large amount of wages must accrue to us. The income due to us on these accounts must cause our imports, as a general rule, considerably to exceed

our exports in value; but one important element had been left out of sight by those who would explain the whole excess in that way. The years 1871, 1872, 1873, and 1874 were years of great prosperity to this country, in which our industries were in active employment. In those years there was a tendency exhibited to a nearer approximation of the amounts of our exports and imports than during the less prosperous years that followed. According to many of the explanations, which really over-explained the reason of the great difference between our exports and our imports, those ought to have been years when the nation was becoming impoverished; but he did not think anyone on the opposite Benches would be bold enough to assert that. The real explanation was that in those years, because our industries were fully employed, because we were earning a large surplus income, we were greatly adding to our investments abroad; whilst in the years which had followed our industries had only been two-thirds employed, and there had been a great amount of enforced idleness. The result had been that having the same or a greater population to feed and clothe, upon a reduced income, we had been compelled to withdraw from foreign countries part of the value of our investments there. He had observed the extremely optimistic tone in the speeches of hon. Gentlemen opposite, many of them Representatives of large manufacturing towns, where he knew there existed a great amount of discontent on the part of the working classes with the present position of our commerce and industries; and he ventured to think they would find it much more difficult to justify themselves before their constituents than would those who had invited the attention of the House to the subject. The great question of Free Trade, and what it had done for this country, was dwelt upon in somewhat eloquent language by the hon. Member for Bolton in the latter part of his speech. He (Mr. Ecroyd), too, was one of those who had the privilege of witnessing the success of the agitation for Free Trade; and, though a young man, he took a deep and proud interest in what was then done by the country. He had never thought that course mistaken, and still believed that what was then done was rightly done. He recognised

Mr. Williamson

to the fullest extent the great benefits that Free Trade had brought to the working classes of this country. But the state of things was much changed since then. At that time the laws of this country were the great barrier against a free interchange of commodities, and there was little restriction on the part of the United States. Now, the Protection and exclusion were on the part of the States, which had created an artificial system for the purpose of excluding foreign manufactures. That country was becoming more and more independent of England. The old state of things could not be restored. Those considerations were the key to the discussion of the great question, which was falsely called Reciprocity. This country had within its boundaries a population skilled and industrious in all manufactures beyond any people the world had ever seen. They were not in the position of a nation which could live upon its own limited resources. They had to manufacture for vast regions of the world, and they were dependent for the food of the people on free intercourse with other nations. During the last 10 years that intercourse had been restricted, and this want of Reciprocity was the thing of which they complained. They desired that the barrier now imposed by the United States should be removed as effectually as England removed in 1846 the barrier which she had erected. He maintained that what was contended for at present under the name of Free Trade was not the substance but the shadow which was fought for, not by working men, but by the *doctrinaires* by whom the working men allowed themselves to be led. He had some authority to say this, because he had been returned to the House by a large working-class constituency, after he had expressed to them with great freedom his opinions on this subject. There had been an attempt made in this country to set up the principle of free land; but he should, for one, leave it to those who had landed property to judge for themselves how it could be turned to the best account, and he should encourage no one to attempt the growth of wheat under conditions where it could not pay. He knew very well the stigma that must attach to anyone who would proclaim his belief in the necessity of proposing any tax whatever upon the food of the people; but if the difficulty

from which we suffered was this—that we were obliged to purchase, say, £100,000,000 sterling of food every year from people who would not take our productions in exchange, it must be a matter of vital importance to try if we could not establish within our own Empire the power of growing those products. The sacrifice could only be temporary, and the moment we succeeded in establishing that power we should enjoy the substance instead of the shadow of Free Trade. The Cobden Treaty was an attempt to promote the principle of Free Trade; but he could not admit that it had succeeded as its promoters expected. In negotiating with the French Government it was of the greatest importance that we should not at this time enter into any Treaty which was irrevocable. He was not going to say that Retaliation was the policy to be adopted towards France. He hoped we should have a friendly establishment of increased freedom of exchange between this and other countries. But it might, unfortunately, be otherwise, and we should stand in a worse position if we bound ourselves beforehand by a self-denying ordinance not to impose duties under any circumstances upon manufactures imported from France into this country.

MR. CHAMBERLAIN: At the commencement of the interesting and moderate speech just delivered by the hon. Member for Preston (Mr. Ecroyd), he referred to speeches from this side of the House, which, in his opinion, contained references to subjects outside and beyond the immediate issue under discussion. I cannot but think that the same criticism will apply to much that has fallen from the hon. Gentleman himself; but I do not make this a matter of complaint. On the contrary, I do not hesitate to say that the real interest of this discussion consists in those portions of it which have reference to the new doctrines of Fair Trade, Reciprocity, and Retaliation, of which we have heard so much and know so little, and with respect to which we are naturally anxious to have accurate and definite information. I had hoped, in view of this debate, that at last we should be able to grasp the phantom which has so long eluded us. I confess that these expectations have been disappointed, and that even now, after having listened atten-

tively to everything which has fallen from the hon. Member and from previous speakers on his side of the House, I am still in the dark as to what they mean, and even as to whether they understand their own meaning themselves. It is gratifying, no doubt, to be assured, as we have been by all of them, that they are opposed to Protection and in favour of "real" Free Trade; but it is difficult for a plain man to reconcile these assurances with the other statements which they have made. We have had expounded to-night several shades in the new heterodoxy which seems at last to have secured the patronage of the Conservative Party. We have, in the first place, my hon. Friend the Member for North Warwickshire (Mr. Newdegate), whose consistency we all gladly recognize, and who tells us that he stands before the House "unblushing," the last Chairman of the old Protection Society, the last rose of summer, for 40 years left blooming alone, and now both gratified and astonished to see himself surrounded by so large a company. The hon. Member for the Tower Hamlets (Mr. Ritchie) refuses to go as far as the hon. Member for North Warwickshire. He tells us that he is not in favour of Protection; but then he adds that he approves of countervailing duties, and that he considers that we should now do wisely to take up once more the weapons which we have prematurely abandoned—meaning, by this expression, the duties upon foreign produce by which, in former times, home industry was supposed to have been protected. Then we have the noble Lord the Member for Liverpool (Viscount Sandon). He is indignant that an attempt should be made to mix him up, of all persons in the world, with the discarded doctrines of Protection. He protests, in almost pathetic tones, his admiration and respect for the deceased leaders of the Free Trade movement; and I cannot avoid saying, in passing, that it is a characteristic fact in this and similar discussions that those who agree with the noble Lord are fond of expressing their respect for the Free Trade leaders and Political Economists who are gone from us, and who cannot repudiate the heresies which are now attributed to them; while they are unwilling to accord any authority at all to the utterances of those Free Traders and Economists who are

still alive—who are the legitimate heirs and successors of the dead, and who continue and maintain their true faith and best traditions. The noble Lord tells us that he is in favour of "Fair Trade." I have a great respect for the noble Lord, though I am not able to take him at his own estimate as the true Representative of the trading classes and the commercial interests of this country. But it is in no disrespect to his general ability that I challenge him to point out to the House any practical distinction between what he calls Fair Trade, and what the rest of the world have hitherto consented to call Protection. He complains, for instance, with regard to the Cobden Treaty that it bound this country not to impose any duties on French produce, while it left the French free to levy duties not exceeding 30 per cent on the products of English industry, and he says that this is not a fair arrangement. But how does he propose to alter it? He may, of course, endeavour to persuade the French to give up their duties and to allow the free import of English goods. He knows, however, that this is impossible, and the only alternative open to him is to meet the French in their folly, and to impose duties not exceeding 30 per cent on their exports. That may be right, or it may be wrong; but, at least, the operation would produce a state of things exactly similar to that which existed under the protective system which the noble Lord professes to disapprove. On the whole, then, although the means are different and the language varies, it appears in every case, and in spite of protests to the contrary, that hon. Members opposite do intend to revert to a system of protection, although they prudently refuse to tell us the exact nature of the protective measures which they desire us to adopt. Although in this respect they continue indefinite and vague, we have, at least, as one result of the discussion, a full statement of the grounds on which the claim for Reciprocity or Retaliation is based; and I am here to challenge the allegations which have been made, and to say, with regard to them, that they are, in the main, either greatly exaggerated or altogether inaccurate.

Before I call the attention of the House to the facts and figures on which I shall rest my case, I have to notice a preliminary matter which has been referred

Mr. Chamberlain

to by the noble Lord the Member for Liverpool. In language so strong as to be almost offensive, he accuses the Government of practising concealment upon Parliament and the people. I emphatically repel these imputations of motive, and these insinuations, which are unworthy of the noble Lord. I admit that he ought to be a good judge of what constitutes concealment. While he was a Member of the late Administration he had much experience and practice in this matter; and I will venture to say that the great difference between the late and the present Government is that the present Government conceal nothing that they can possibly publish, while the late Government published nothing they could possibly conceal. Sir, the discovery of the noble Lord is a monopoly of his own; the charge of concealment has not been made or supported by any other Member. It has not been suggested on behalf of any representative commercial body, or on behalf of any of those organizations of working men whose interests the noble Lord now undertakes to champion! and the grounds on which he bases his accusation are childish and frivolous in the last degree. He complains, in the first place, that we have not published the propositions which have been made to us, from time to time, on behalf of the French Government. He knows that we have been anxious to lay these propositions before the country, and that we have only been precluded from doing so by the express refusal of the French Government to allow them to be treated as otherwise than confidential. Then, in the second place, he refers to what he calls once more, in spite of contradiction, the refusal of the Government to give a translation of the General Tariff. We gave, at his request, a copy of this Tariff in the original French, although we considered that it was entirely unnecessary, as the General Tariff has not yet been the subject of discussion, and it may never have any practical interest for this country. The hon. and learned Member for Sheffield (Mr. Stuart-Wortley) was the first to ask for a translation. Now, I believe, it is usual not to refuse any Return pressed for by any hon. Member unless its publication is inconsistent with the interests of the public service; and, therefore, I did not refuse the request of the hon. and learned Member for Shef-

field; but I took him into my confidence, and explained to him the reasons which led the Government to think that the translation was unnecessary, and I asked him whether, under those circumstances, he would not think it well not to press his Motion. A few days afterwards the noble Lord came down to the House, and, in a hectoring tone, and with a "stand and deliver" manner, demanded an explanation of what he called my extraordinary reply, and insisted on an immediate assent to the Motion. I ventured to deprecate the noble Lord's warmth, and I begged him to wait for a few days until I had an opportunity of consulting the Representatives of the commercial classes to know whether they considered the publication would be of general service. The noble Lord has said to-night that we ought to have consulted the Chambers of Commerce at an earlier period; but when I proposed to communicate with them, the noble Lord expressed his contempt for these authorities, and declined absolutely to be bound by their opinion, preferring to rely upon his own special sources of information. This is the inadequate foundation on which the noble Lord seeks to erect his superstructure of charge and accusation against the Government. He goes on to say that in a Return which we presented some time ago we dropped out all information about agriculture; and he insinuates that this, too, was part of the insidious plan of the Government to withhold information from all concerned. Sir, the noble Lord would have been more "straightforward," to use his own expression, if he had told the House that the Return to which he refers was a preliminary Return, containing the changes of duty on the principal articles of export from England to France. There is no considerable export of agricultural produce to France; and consequently it was not, and indeed could not have been, included in this Return. But when the noble Lord the Member for North Leicestershire (Lord John Manners) asked for particular information on the point, I had no hesitation whatever in at once acceding to his request. Lastly, the noble Lord complains that the Government did not take an earlier opportunity—during the winter, I think he said—of consulting Chambers of Commerce and the Mayors of the large towns with regard to the proposi-

tions of the French. The Mayors of the large towns and the Representatives of the commercial classes are people of common sense, and they would not have thanked the Government if we had attempted to consult them before we had any proposition at all to lay before them. My hon. Friend the Under Secretary of State for Foreign Affairs (Sir Charles W. Dilke) has already pointed out that if it be an offence to delay the publication of documents connected with commercial negotiations, the late Government have much more to answer for than we. It is true that the noble Lord disclaims any comparison between the present negotiations and the arrangements with Servia which were withheld from Parliament during the time of the late Government. But my hon. Friend did not rest his case upon this, but on the fact that in the negotiations on two several occasions—in Paris—in connection with the French Convention, the Protocols and Papers were not produced by the late Government. There is another case in point. In 1877, a most important Commission was held in France to inquire into the state of industry in that country and into the condition of the labouring classes. This was a matter which had the greatest interest for the working classes here, whose claims on the present occasion the noble Lord has without any authority assumed to represent. But what happened? When my right hon. Friend the Vice President of the Council (Mr. Mundella) again and again pressed the late Government to give a translation of the Report of the proceedings of this Commission it was refused by them on the score of expense. I am not now saying whether the refusal was justified or not; but I do complain that those who live in glass houses like the noble Lord should not be so exceedingly ready to throw stones.

In listening to the speech of the Mover of the Resolution, I have had occasion to-night to ask myself several times what can be the object of the Motion which he has made. I am driven to the conclusion that it is his desire, and that of the hon. Members who support him, to prevent any Treaty being negotiated at all. I believe, in 1860, the Conservative Party did all in their power to secure the failure of the negotiations; and, no doubt, they are only consistent in now endeavouring to make it difficult for

the Government to continue or to extend the provisions of the Treaty then concluded. The hon. Member asked the House to agree to conditions precedent to the making of a Treaty which everyone knows are impossible, and if they were accepted by the House no Treaty at all would be practicable. The Under Secretary of State for Foreign Affairs has already pointed out, forcibly and conclusively, that under this Resolution, if the French Government offered a Treaty which on 99 points out of 100 was a great amelioration of the existing Convention, the Government would be unable to agree to it if on the 100th point, however unimportant it might be, there were any increase of duty, however small. But I want more particularly to call the attention of the House to the third condition in the Resolution of the hon. Member. We are, in the words of the Resolution, to conclude no Treaty which does not leave us "full liberty to deal with the question of bounties." There is no doubt that this is aimed at the "Most Favoured Nation Clause," which has been asserted on other occasions against the proposal of the hon. Member to impose what he calls countervailing duties in the case of sugar. The effect of this condition would be, taken with those which precede it, that not only would the Government be unable to make what is ordinarily known as a Commercial Treaty, but they would not even be allowed to fall back upon a simple "Most Favoured Nation Clause," under which, in the case of both France and other countries, English trade has derived the most striking advantages, and without which it would be possible for France to impose differential duties against all articles of English manufacture. On what ground is this condition to be imposed? It cannot be necessary in the case of the Shipping Bounties which the French have recently, most imprudently and foolishly, in my opinion, undertaken to grant. There is nothing, I believe, in the Treaty stipulations which would interfere with the right of the Government to re-enact the Navigation Laws if they were silly enough to do so, after the experience of the past, and with full knowledge of the enormous and unexampled extension of British shipping which has taken place since the repeal of that legislation, and which

has made the Mercantile Marine of this country the envy and astonishment of the world. And as regards sugar, whatever might have been the case in the past, there is now no ground for interference on this head either. In the course of the last 18 months the French Government have reduced the duty on sugar by one-half, and have altered the method of testing for drawback, and by these two changes they have, in the opinion of the experts whom I have consulted, reduced the drawbacks until there is now no bounty at all, or, at least, no bounty of the slightest practical importance on the export of refined sugar. But suppose that my information is incorrect, and that there still exists a bounty, or that one results in the future from changes in manufacture. In this case, who is to decide the amount of countervailing duty which is to be imposed as against the bounty? There is not the slightest agreement between the different representatives of sugar refiners, the Board of Trade and other authorities, and the French Government and their experts, as to what is the precise amount of bounty in each case. Is it likely that any nation will allow us to be judge in our own cause and to assert, as against their information and belief, the amount of duty which we are entitled to levy without infringing the "Most Favoured Nation Clause?" The only result of such an attempt would be to lead to disputes and retaliation. The "Most Favoured Nation Clause" would be whittled away until it practically ceased to exist, to the great injury of British commerce.

I say, then, that it is impossible to regard the Resolution otherwise than as an indication of the desire of the Party opposite that no Treaty at all should be concluded with France. The hon. Member for the Tower Hamlets has said that the people of this country would be unwilling to accept any Treaty that did not greatly improve the existing condition of things.

MR. RITCHIE: I did not say so. What I said was that the people of this country would not accept any Treaty which was not on equally good terms with the Treaty of 1860.

MR. CHAMBERLAIN: I accept the hon. Member's correction; but if he did not say so, other speakers in the debate, and notably the noble Lord the Member

for Liverpool, pressed his contention up to the limit I have stated. But though the noble Lord, by putting forward impracticable demands, would do his best to make a Treaty impossible, I cannot doubt that he and his Friends would be disposed to throw the whole blame for failure on the Government, and to ignore the part they themselves would have taken in securing this result.

Before going further, I should like to ask the House to consider briefly what has been the effect of this Treaty, whose continuance seems to be regarded with indifference by hon. Members opposite. I find that in the 10 years, 1851 to 1860, before the conclusion of the Treaty, our average exports to France were £8,300,000 per annum. Of these, British produce, as distinguished from Colonial and other produce, was represented by £4,400,000. Last year these figures had risen to a total export of £28,000,000, £16,000,000 of this being for British produce alone. This Return is 17 per cent less than the Return for 1871, which was the highest year, and 10 per cent more than the Return for 1877, which was the lowest; and I quote these figures because it is necessary to observe that there are great fluctuations in the trade, and nothing can be more unfair than to take only selected years for purposes of comparison. Now, coming to the imports, I find that for the first period of 1851-60 the average imports were £11,300,000, and they had risen, in 1880, to about £42,000,000. These figures are 40 per cent greater than those for 1871, the lowest year; and 10 per cent less than those for 1875, which is the highest. But these figures, important and satisfactory as they are, do not represent the whole facts of the case. The Returns of the Board of Trade, accurate in themselves, must be taken with qualifications and applied with knowledge. Thus the figure for the imports must be considerably reduced if we wish to arrive at the actual amount of produce of French origin which is retained for consumption in this country. There are, for instance, large exports of textiles of different kinds from Switzerland to Great Britain which come through France, and cannot possibly be separated in our Returns from French imports. Again, much of what comes from France is taken into warehouse for a short time in this country, which

is the great *dépôt* of the commerce of the world, but is only temporarily held here, and goes on quickly to its real and intended destination in the United States or our own Colonies.

With regard to the exports, on the other hand, they have to be increased if the true amount of British trade with France is to be correctly ascertained. I am informed, for example, that British yarns intended for French manufacturers in the Vosges go through by way of Antwerp, and would consequently appear in our Returns as exports to Belgium, although really part of our transactions with France. When these allowances are made, it will be seen that, satisfactory as are the figures derivable from the British trade statistics, they do not fully represent the importance to this country of the commerce which has been created and stimulated by the action of the Cobden Treaty.

Passing now to more general considerations, I gather from the speeches which have been made that it is the contention of hon. Gentlemen opposite that during recent years English trade has been declining and leaving the country; that wages have fallen, and that great suffering consequently exists among the working classes; that the profits of trade have disappeared, and that generally the country is on the verge of ruin. They also appear to think that foreign countries have benefited by our loss, and in proportion to it. Now, Sir, I challenge all these assertions. It is said that we take too optimistic a view of the present state of English industry, and I am prepared at the outset to make some admissions. I admit that the state of agriculture has been for some time such as to cause to all of us the greatest concern. I believe Mr. Caird has estimated that the difference in production from agriculture during the past three years, as compared with the normal average, has been equivalent to a loss of £150,000,000 sterling. Some other economists have put it at double that amount; and clearly it is impossible that £300,000,000, or even £150,000,000, can be subtracted from the purchasing power of the country without more or less affecting injuriously every other trade and interest. But this is not a question of Protection or Free Trade; and the state of things which we deplore arises mainly from the absence of sun, and the

unfavourable seasons of the last four or five years.

Again, there have been special trades recently—as, indeed, in all preceding periods—which have been injuriously affected by special causes, and subject to special depression. The case of the Bradford trade is the best known instance of this; but it is due almost entirely to a change of fashion, and is also independent of questions of Protection and Free Trade.

Lastly, there has been, no doubt, a most serious diminution in the profits of capital, due to the rash and violent speculation and over-production which prevailed a few years ago. The case of the coal trade is one in point. The production of coal in this country last year, which was the year of greatest depression, was, nevertheless, the largest ever turned out of our mines. The period when the demand for coal exceeded the supply was known as the coal famine, although even then more coal was being raised than in preceding years. But that famine induced a rise in price of something like 16s. a-ton, and naturally brought into the trade a number of persons who opened fresh mines; and, although the demand has continued, the supply has increased in still greater proportion, and there has been a consequent heavy fall in prices. The same thing has, no doubt, taken place in other trades, and notably in the great iron industry of the country. But a loss of profit from such a cause must not be confounded with a loss of trade, or supposed to indicate approaching ruin. It has sometimes been said that grumbling is the secret of England's success, and no doubt while we are grumbling we are continually tending to improvement and perfection; but it would not be safe to accept, without further consideration, the complaints of those who are not doing so well as they think they ought, as representing accurately the general condition of the country. Statistics are against them; the irresistible logic of facts is opposed to the pessimism which sometimes prevails.

Let me call the attention of the House to some figures illustrating the more cheerful view which I have ventured to take of the situation.

First, as to our foreign trade. I find that, with regard to exports, the total value exported in the six years, 1869

to 1874, was £1,688,000,000; the total value for the succeeding six years, 1875 to 1880, was £1,571,000,000, or a fall of about 7 per cent. But I must point out to the House that this fall was in value only, and that as, during the same period, there was a general reduction in price, averaging probably not less than 20 per cent, the real volume of our export trade has considerably increased, even during the worst period of depression, as compared with the period of greatest inflation.

And, if even the value has not increased, and if the volume has not increased in greater proportion than has actually been the case, that, I may inform the House, is to be attributed, not to Free Trade, but to the action of my hon. and learned Friend the Attorney General. This statement may appear paradoxical; but the House will recollect that it was at the instigation of my hon. and learned Friend that, some years ago, a Committee sat, of which he was the Chairman, to consider the subject of foreign loans. That Committee destroyed the credit of more than one foreign country. They were no longer able to borrow money here, and as they could not get credit they could no longer take our goods. It cannot be considered a disadvantage that we do not sell to people who will never pay for what they buy; but the result, no doubt, was temporarily to reduce the export of British produce.

Coming now to the imports, I find that, after deducting re-exports, they were, in the first period I have selected for comparison, £1,702,000,000; and, in the second, £1,947,000,000, or an increase of about 14 per cent. There are some persons who regard the increase of imports with dissatisfaction; and it may be interesting to point out why it is that this increase has taken place. During the period referred to we largely increased our investments in foreign countries. The interest on these investments had to be paid, and foreign countries have paid for them by exporting goods, which have, of course, swelled our import returns. And if hon. Gentlemen opposite, the advocates of a Reciprocity system, were successful in erecting some barrier by which these importations could be arrested, what would be the result? Foreign countries must continue to pay their debts. Not being able to pay in goods, they would have

for the time to pay in bullion and specie; there would be an accumulation of the precious metals in this country, and that would speedily bring about a rise in the price of all other articles. When that rise had been established, our power to export would be diminished; the amount of our exports would be reduced until the balance, or excess of imports over exports, was again re-established, although the volume of each would be lessened, to the enormous disadvantage of all concerned. In other words, the effect of an attempt to redress the balance would be promptly to lessen the value of our exports, but could not ultimately affect the difference in amount between them and our imports.

In confirmation of what I have said as to the increase in the volume of our trade, I now turn to some items of our production. I have taken the figures which I am going to quote from an interesting article in last week's *Economist*, from which it appears that in the first period of six years, to which I have already referred, the production of coal was 710,000,000 tons; in the second it was 813,000,000. In pig iron the production increased from 37,000,000 tons to 39,000,000. The consumption of wool advanced from 1,064,000,000 lbs. to 1,232,000,000 lbs.; and the consumption of cotton from 7,215,000,000 lbs. to 7,578,000,000. I might easily add to the list; but in all the principal articles of which we have Returns the increase in our trade is equally marked. But then it is said wages have been reduced, and the condition of the working classes is that of great distress; in fact, we have been given to understand that they can hardly keep body and soul together. Undoubtedly there has been a reduction of wages in almost every trade from the level which they reached in the time of greatest inflation; but what is also true is that the purchasing power of wages has become considerably greater in the same period, and, as a matter of fact, it appears that the consumption of every important article of necessity or luxury by the working classes has shown a remarkable increase. Thus the consumption of sugar, an article which the hon. Member for the Tower Hamlets is so anxious to increase in price, has advanced from 42½ lbs. per head in 1869, to 63½ lbs. per head in 1880. It is not wonderful, under these cir-

cumstances, that the sugar trade, in spite of the desire of some of the refiners for protective duty, is in a condition of great prosperity—a fact which the Returns leave beyond a doubt, and which is confirmed by information I have recently received to the effect that on a dissolution of partnership, in the case of a great firm in the North, while the original house is maintaining its production, the outgoing members of the firm have just purchased eight or ten acres of land in London on which they propose to erect a refinery at a cost of about £150,000, which will turn out something like 70,000 tons of refined sugar per annum. Then, in the same period, the consumption of tea has increased from 3·63 lbs. to 4·59 lbs. per head per annum; of tobacco, from 1·35 lbs. to 1·43 lbs; and of spirits, British and imported together, from ·98 of a gallon to 1·09 gallons. It is impossible to ignore the significance of these facts, which show that whatever may have been the depression of trade, it has not yet affected the power of the working classes to procure for themselves increasing quantities of the necessities, the comforts, and the luxuries of life. There is one other article to the consumption of which I refer with some reserve, as I have been unable to check the figures, which I have obtained from an interesting statistical work, called *The Progress of the World*. But in this book I find it stated that during the period of 20 years, from 1831 to 1850, the consumption of wheat per inhabitant was 270 lbs. per annum. In the nine years, 1871 to 1879, it had risen to 341 lbs., and in the same period the price had fallen from 55s. per quarter to 48s., which is a fact of the more importance and interest because it has been shown by Dr. Farr, in his statistical abstracts, that the death-rate of the population falls 3 per cent for each 2s. per bushel in the price of wheat.

I may also refer to the subject of pauperism. If the working classes were being ruined in consequence of a mistaken fiscal and commercial policy, the result would be manifest in the Poor Law Returns; but, on the contrary, it appears that while, in 1869, 1,167,000 persons were receiving pauper relief in England and Scotland, in 1880 the numbers had fallen to a little under 902,000 persons.

As regards emigration, while the total number of persons who left these shores in six years, 1869 to 1874, was 1,218,000, in the six years between 1875 and 1880 the numbers fell to 850,000; and it is remarkable that in Protected Germany, during the whole of that period, emigration has been considerably increasing.

I must now go back for a moment to the excess of imports over exports which causes so much anxiety to a certain class of persons in this country, and is regarded by them as a sign of weakness and a proof of our commercial decline. I consider it, on the contrary, as a fact which ought to give us the greatest satisfaction, and I think I can show conclusively that this is the case. Let us take a comprehensive view of the question. I find that during the last 40 years, which embraces the whole Free Trade period, the total balance of trade or excess of imports over exports is, roughly speaking, £1,600,000,000. Now, how is it supposed that this is paid for? It seems to be the idea with some persons that the whole of this vast sum has been paid by this country in what they call "hard cash," meaning bullion and specie. But an examination shows that during the same period the imports of bullion and specie have exceeded the exports by something like £40,000,000; and, therefore, the total balance of goods and specie together must be taken at £1,640,000,000.

Again, I ask, how is this accounted for? Is it supposed that this country owes that sum to other nations? Nothing can be farther from the fact. On the contrary, in the period to which I have referred, the indebtedness of other nations to this country has enormously increased. It is now estimated at not less than £1,500,000,000, and no one, I imagine, would put its amount at the commencement of the period at more than £500,000,000. Consequently, foreign countries, while sending us £1,640,000,000 more than they have received from us, have at the same time got into our debt to the extent of £1,000,000,000. This investment has been made, not in specie or bullion, but in English goods, and if it had not been made our exports would have been something like £1,000,000,000 less, and the balance of trade would have been increased to the larger sum I have named. What does this enormous balance

represent, then? In the first instance, it represents the cost of freight, the carrying trade of the world, and especially of English goods, having passed almost entirely into English hands. But over and above this item, it represents nothing more nor less than the profit derived by this country from its external trade and the interest from its investments abroad, during these 40 years.

There is another way of looking at this matter. Instead of taking it in bulk, consider the details of our foreign trade, and let us follow out a particular transaction. I have seen it stated that in Birmingham there exists a profitable industry in the manufacture of idols for South African negroes, and another industry for the manufacture of guns warranted to burst the first time they are fired. Generally speaking, I observe that everything which is said about Birmingham is inaccurate, and I disclaim any belief in these stories; but suppose, for the sake of argument, that this charge against the morality of my fellow-townsmen could be substantiated, and that a Birmingham manufacturer sells a brass deity to the negroes, or a gun such as those which were disposed of by the late Government to the number of 200,000 at the rate of 2*s.* 6*d.* a-piece; then, if for either of these commodities the Birmingham trader received an ounce of gold, as he well might, in return, the transaction would appear in the statistical tables as an export of 2*s.* 6*d.*, and an import of about £3. The balance of trade would be £2 17*s.* 6*d.* against the Birmingham tradesman, and yet I do not think he would have any cause to be dissatisfied with the pecuniary results of the transaction. But why should what is profitable in the case of the individual become unprofitable when multiplied by the thousand or the million in the case of the nation? And yet this is the contention of gentlemen who fume and fret whenever the value of what we receive is greater than the value of what we give.

I have a few more words to say on the proposition that foreign nations have benefited during the period of depression in this country. This supposition is entirely unwarranted by the facts. There are periods of depression in all countries, although it is important to bear in mind that they are not always coincident, and that it is, therefore, unfair to compare

the same years without taking circumstances into account. Taking first the case of France, and dealing with exports only as a test of prosperity, I find that the exports of domestic produce, which averaged in the two years 1858-9 £83,000,000, had increased in the two years 1878-9 to £128,000,000, an increase of £45,000,000, or 54 per cent. In the United Kingdom the increase in the same period was from £123,000,000 to £192,000,000, an actual increase of £69,000,000, and a percentage of increase of 57 per cent. On these figures I have to make two observations—first, that it is more important to consider the actual increase in money than the percentage, because, as the initial figures in the case of foreign countries are very much smaller than those of English trade, the proportionate increase may well be larger, even when the actual increase is very much less; and, secondly, I must point out that the increase, such as it is, in French trade is much greater than it would have been but for the loss of Alsace and Lorraine. In other words, while the internal trade of France has suffered by the cession of territory, the external trade has increased by the transfer of this portion of her internal trade, or a considerable part of it, to the statistics of her external commerce. If to-morrow Ireland were separated from the United Kingdom, no doubt a large trade between the two countries would continue to exist; but it would go to swell the exports, and, apparently, to increase the foreign trade, and would cease to be reckoned as part of the internal transactions of the country. Taking these facts into account, it would appear that in Protected France the advance and improvement in foreign trade has been much less marked and considerable than in Free Trade England.

I have already referred to the fact that in 1877 trade in France was so bad that a Commission was specially appointed to inquire into it. In the United States the depression preceded that in this country. It began and finished earlier; but, as a proof of its severity, I may mention that while from 1869 to 1873 the immigration into the United States averaged 200,000 per annum, in 1874 the balance of immigration over emigration was only about 1,000. In 1878 the iron industry was so

depressed that, according to the Trade Reports, nearly two-thirds of the furnaces were out of blast, while in 1866 the total exports from the United States, which had been £65,000,000 in 1860, had fallen to £27,000,000. Next year they were about double this amount—the fluctuations being largely due to the action of the Civil War; but they are illustrations of the fluctuations which take place in the trade of all countries at some time or another. I remember being in Belgium, at Liege, during the height of the depression in the iron trade in this country, when it was supposed that Belgian manufactures were largely competing with us. I found there the same complaints as to loss of trade and profit, and I was told that the manufacturers were working at a loss, and selling only to keep their works partially employed, while the shares of great Iron Companies both in Belgium and Westphalia had fallen in many cases much below par. And in connection with this I might mention a statement which was made to me by Mr. Hick, formerly an esteemed Member of this House. I had seen in the newspapers, as a proof of the extent of foreign competition, a report that the girders for a large factory in Lancashire had been purchased in Belgium, and I asked Mr. Hick to explain it. He said—"The best explanation I can give to you is a contradiction, for those very girders were cast in my own foundry." The fact is that the effects and extent of foreign competition are almost always exaggerated. Unfounded statements are made and accepted as true without inquiry; but I am confident, from my own experience, that as regards the hardware and iron trades more especially, of which I know most—though I think the same remark would apply to other industries also—there never has been, for any considerable time together, serious competition from foreign manufacturers with the standard industries of this country. Within the last few days I have seen an extract from a Report of the Chamber of Commerce at Berlin, in which a protest is made against the Protectionist policy of Prince Bismarck; and if time permitted I might multiply instances to show that, whatever the extent of the depression here may be, it has been in recent years paralled or exceeded in every other country in the world.

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And now, Sir, I turn to a consideration of the remedies which are proposed by hon. Gentlemen opposite, for a state of things which, as I have shown, exists largely at all events only in their imagination. We are to adopt a policy of Reciprocity and Retaliation. But, I want to know, what are the precise steps by which this policy is to be carried into effect? Hon. Gentlemen opposite do not agree among themselves. The hon. Member for Preston (Mr. Ecroyd) is the only speaker who has gone into some details. He said that it is the duty of our working men to make some sacrifice in order to re-conquer the free and fair trade which we have lost. There is no doubt about the sacrifice which the working men would have to make in order to adopt the policy of the hon. Gentleman. His view appears to be this—and I do not say that there is not an appearance of justification for it—we are to retaliate on foreign countries by putting on protective duties in order to induce them to take off the duties which they now levy on our goods. The hon. Gentleman appeared to consider that his proposal was a temporary expedient, to be adopted with reluctance and regret, and to be abandoned as soon as possible. But suppose foreign countries are not persuaded by the hon. Gentleman, or by his Retaliatory policy, to take off their duties? How long is the experiment to last? Is it to be for five years, or for 10 years, or for 20 years, or for ever, that the working classes are to be called upon to make the sacrifices which it is admitted will be entailed upon them?

Then, again, on what goods are we to retaliate? On which of our imports are we to put duties? That is a question of cardinal importance on which the advocates of Reciprocity ought to, but do not, agree. Does the hon. Gentleman propose, for instance, to tax foreign manufactures? I understand him to say that it would be foolish, in the last degree, to attempt to put duties on the principal manufactures of foreign countries.

MR. ECROYD explained that he meant that it would be foolish to impose in each case duties corresponding in amount to those directed against us. What he proposed was to put moderate but uniform duties on foreign manufactures.

MR. CHAMBERLAIN: I am glad to have the explanation of the hon. Member. I understand that if the foreigner charges 40 or 50 per cent duty on English manufactures, the hon. Member would retaliate by putting 10 per cent on the manufactures of the foreigner. But the hon. Member is altogether inconsistent in such a proposal. He stands up as the advocate of "Fair" Trade; but does he not see that it is just as unfair that there should be duties, say of 40 per cent on one side and 10 per cent on the other, as if there were 30 per cent on the one side and none on the other? Unless the duties imposed by us are the same as those imposed against us it is clear that trade will not be fair, although it will no longer be free. But there is another point which I submit to the consideration of the House. England is of all countries the most vulnerable in this matter—that is to say, that in spite of, or rather I am inclined to say in consequence of, the Protectionist policy of foreign countries, we export a great deal more than we import in the way of manufactures.

MR. EDOYD: The great bulk of our exports go to India and China.

MR. CHAMBERLAIN: I challenge the view of the hon. Member; and I say that there is no country with which we have trade of any importance to which our exports of manufactured goods are not in excess of our imports. Take the case of the United States as an example, That is the worst instance of Protection with which we have to deal. I am speaking from memory, and I do not pledge myself to the exact figure; but, roughly speaking, I am under the impression that we export about £16,000,000 of manufactured goods to the United States, while our imports are only about £3,000,000, the rest, and great bulk of our imports, consisting entirely of raw materials and food; and, therefore, such a commercial war as the hon. Member proposes would do us more harm than the foreigner, who might retaliate on our retaliation by prohibiting, or still further increasing his duties on, our goods, or even by putting a duty on the exports of articles which we do not produce for ourselves.

I have already asked how long these sacrifices are to be imposed on the working-men—for 10, for 20, or for 30 years? [Mr. EDOYD: No, no!] The hon.

Member only intends it as a temporary expedient; but the effect of such a policy will be to foster weak industries unsuited to the country—such, for instance, as those which existed in Coventry or at Bethnal Green, which, even in the times of Protection, had only an unhealthy life, and which, when the time of experiment ceased, would be immediately destroyed, carrying with them in their ruin the fortunes of all who had been tempted by this mistaken policy to engage in them. [Mr. RITCHIE: Wines.] Sir, I have already detained the House too long in answer to the speeches which have been made. If I am to undertake to answer arguments in the nature of interjections, I am afraid I shall have to make an excessive demand on the patience of hon. Members. But the answer which I have made to the hon. Member for Preston does not satisfy the hon. Member for the Tower Hamlets. It is the difficulty of this subject that every man has his own separate specific, though all call it by the same name of Reciprocity; but the Reciprocity of the Tower Hamlets differs from the Reciprocity of Preston; and the Reciprocity of the Tower Hamlets differs at different times in the evening. What I now understand the hon. Member for the Tower Hamlets to say is that we ought to put a duty, not on manufactures generally, but on wines, and gloves, and silks. As regards silks and gloves, I have the same answer to make which I have already made to the hon. Member for Preston. If they are not industries which can be maintained in this country without Protection, it would be most imprudent and unwise to foster them by unnatural means, and the result would only end in the misery and suffering of all concerned. Wine, no doubt, stands on a different footing. The duty on wine and on spirits is not protective; it is partly fiscal and partly moral, and might be dealt with upon those considerations; and if the Treaty negotiations with France should break down, the English Government would be perfectly justified in dealing with the Wine and Spirit Duties as they thought best for the interests of the country.

Well then, does anyone propose to put a duty on raw materials? The hon. Member for Preston, in the speech which he made at Exeter Hall, protested against so suicidal a proposal. Is it

conceivable that we should ever be foolish enough to do away with the foundation of a great part of our trade—namely, the freedom with which we receive the raw material? Take the case of sugar. Why is it that this trade has been so prosperous of late years, so much so that I have heard it currently reported that one of the leaders in this manufacture has made a fortune of £1,000,000 or £2,000,000 in less than 20 years? It is partly, at all events, in consequence of the injudicious Bounty system adopted by other countries which has enabled our manufacturers to get their raw sugar at less than cost price, and has enabled them to undersell the manufacturers of the rest of the world, especially in neutral countries. This is a fact which the Austrians have begun to find out; and manufacturers, both in Austria and in France, are naturally protesting against a system which places this immense advantage at the disposal of the British refiner.

Lastly, Sir, is anyone bold enough to propose that we should put duties upon food? The hon. Member for Preston, no doubt, has the courage of his convictions. He has referred to the sacrifices which he would require from the working classes, and he does not hesitate to make the demand upon them that they should pay an extra price of 10 per cent upon the most important articles of their daily consumption. Well, Sir, I can conceive it just possible, although it is very improbable, that under the sting of great suffering, and deceived by misrepresentations, the working classes might be willing to try strange remedies, and might be foolish enough to submit for a time to a proposal to tax the food of the country; but one thing I am certain of, if this course is ever taken, and if the depression were to continue, or to recur, it would be the signal for a state of things more dangerous and more disastrous than anything which has been seen in this country since the repeal of the Corn Laws. With the growth of intelligence on the part of the working classes, and with the knowledge they now possess of their own power, the reaction against such a policy would be attended by consequences so serious that I do not like to contemplate them. A tax on food would mean a decline in wages. It would certainly involve a reduction in their productive value; the

same amount of money would have a smaller purchasing power. It would mean more than this, for it would raise the price of every article produced in the United Kingdom, and it would indubitably bring about the loss of that gigantic export trade which the industry and energy of the country, working under conditions of absolute freedom, has been able to create.

Sir, I think I have now dealt in turn with the arguments which have been brought before the House. I may summarize my conclusions by quoting to the House the opinion of one entitled to respect as an authority on this subject. The extract I am about to read is from a work entitled *Twenty Years of Financial Policy*, and was written in 1862 by the right hon. Gentleman the Member for North Devon (Sir Stafford Northcote). It is, in my opinion, as applicable to the present state of things as it was to the time when it was written, and I do not suppose that the right hon. Gentleman has swerved since then one iota from the views which he has so well expressed. He says—

“The great fiscal and commercial measures of the last 20 years have wrought a wonderful change in the circumstances of the country. A complete revolution has taken place in many parts of our moral, social, and political system which may be directly traced, either wholly or in great part, to the effects of those measures. Our material wealth, too, has enormously increased—our trade has developed, and our manufactures have been carried to great perfection. There have been seasons of temporary, local, and partial suffering, and the changes which have proved beneficial to the public have sometimes pressed hardly on particular interests; but, upon the whole, it can hardly be questioned that the condition of every portion of the community has been greatly improved by the new policy.”

In conclusion, I can assure the House that Her Majesty's Government are fully alive to the feeling in this country with reference to the present negotiations. That feeling is not keen for the conclusion of a Treaty, and would not be satisfied with any arrangement which was worse than the one now expiring; but I believe it would be disappointed if any effort were spared to bring the negotiations to a successful issue. As long, therefore, as there appears to be a chance of a happy result, we will not be forced by unwarrantable and frivolous charges of concealment and secrecy, or by attempts to impose extortionate or unrea-

sonable conditions, to give up the negotiations in a pet, and without exhausting every means of arriving at an understanding honourable and beneficial to both countries. The commercial results of the Cobden Treaty I have shown to be of great importance—of great value to this country, and of greater value still to France; since the trade, large as it is, is a much smaller proportion of our total transactions than it is of those of our neighbours across the Channel. But these results are, in my opinion, overshadowed by the political advantages of the good understanding which has so long prevailed. I hope that, by the exercise of wisdom and discretion, and good feeling on both sides, it may yet be possible to renew and to extend relations which have contributed so materially to the prosperity of both countries, and to the welfare and the peace of the world.

MR. CHAPLIN said, he rose with great diffidence, and with some trepidation, after the warning addressed to him in the earlier part of the evening by the hon. Baronet the Under Secretary of State for Foreign Affairs, to ask the permission of the House to state, in a few sentences, why he intended to give his vote in support of the Motion of his hon. Friend the Member for the Tower Hamlets (Mr. Ritchie). The hon. Baronet had informed him, and informed the House, that he had no claim to speak with any authority on the subject. He could not help thinking that that was wholly unnecessary information. He was not aware that he had ever pretended to do so. It was quite true, and he acknowledged it with great humility, that he had never yet pretended to be an authority in the matter. He had never claimed to be a sapient member of the Cobden Club, or a duly-instructed disciple of those Gamaliels of political economy on the other side of the House, who professed to be so immensely superior to the Occupants of the Benches on the Tory side of the House. Nevertheless, he hoped, before he sat down, that he should be able to convince the House that the reasons by which he was guided in supporting the Motion were dictated by plain common sense. But before he did this, he would ask the permission of the House to refer, in a few words, to the speeches which had been addressed to them that evening. In the earlier

part of the evening they heard from the hon. Gentleman the Member for Bolton (Mr. J. K. Cross) a speech which he presumed to characterize as a speech of the greatest ability, and one to which he had listened with great interest and admiration. Further than that, they had been favoured with a lecture of considerable severity by the right hon. Gentleman the President of the Board of Trade. The right hon. Gentleman said he could not understand what they meant by the Motion. He hoped, before he sat down, to be able to make the right hon. Gentleman understand, at all events, what his (Mr. Chaplin's) views on the subject were. But neither was the right hon. Gentleman able, for the life of him, to draw any distinction between Fair Trade and Free Trade. If he was not mistaken, before many months had passed, the right hon. Gentleman would find his intellect on that question considerably sharpened by the agitation and feeling which, he suspected, no one knew better than the right hon. Gentleman himself were widely and rapidly spreading in the country on the subject. The right hon. Gentleman had fallen foul of the noble Viscount the Member for Liverpool (Viscount Sandon), whom he accused of being grossly deficient in the courtesies of debate.

MR. CHAMBERLAIN: The hon. Member entirely misrepresents me. I did not use such words. I never said that the noble Lord was grossly deficient in the courtesies of debate.

MR. CHAPLIN said, he was thankful to be corrected by the right hon. Gentleman. He did not think the right hon. Gentleman could believe that the noble Lord would willingly be guilty of any discourtesy in that House. He was the last person who was open to such a charge. But, whether the right hon. Gentleman complained of a want of courtesy on the part of the noble Lord or not, he did undoubtedly complain of the charges which the noble Lord had made against the right hon. Gentleman for the concealment of the policy and intentions of the Government. The right hon. Gentleman drew a distinction between the manner in which the policy of the present Government had been carried out and the manner in which the policy of the late Government was conducted, and the concealment which had been practised by each. He (Mr. Chaplin)

declined to accept the distinction of the right hon. Gentleman, and would prefer to draw one of his own. The concealments of the late Government were published to the world and put into plain English, whereas the concealments of the present Government, instead of being put into plain English, were disguised in the French language. To his great surprise and amazement, the right hon. Gentleman turned round and said that the publication of the documents in question was one of the most useless expenditures he had ever known and a great waste of public money. If that were really the opinion of the right hon. Gentleman, why did he grant the Return? He had always thought that the present Government was *par excellence* a Government of economy as well as of all the other virtues in the world. Undoubtedly, they were a Government which had the largest majority he ever remembered; and if the right hon. Gentleman was really of opinion that the publication of these Returns was a great waste of public money and a useless expenditure, no man in the House deserved more severe condemnation than the right hon. Gentleman for consenting to publish them. The right hon. Gentleman had been good enough to admit, at all events, that there was some foundation for the statements which had been made on that side of the House. He had condescended to allow that there had been great agricultural loss and agricultural depression; but how had it arisen? It had arisen, according to the right hon. Gentleman, from nothing but the absence of sun. Unless he (Mr. Chaplin) were altogether mistaken and his memory deceived him, he had been led to believe that the agricultural depression was in a great degree owing to unrestricted foreign competition, in addition to the absence of sun. If that were true, what became of the contention of the right hon. Gentleman? If it were the case that the agricultural depression was owing to unrestricted foreign competition, and that the depression in trade was caused by agricultural depression, was it not the fact that, on his own showing, the depression of trade at the present time was in some measure, if not in a great measure, caused by that very system the right hon. Gentleman was the advocate of—namely, the system of Free Trade? The right hon.

Gentleman had called upon hon. Members on that side of the House to state what remedies they proposed. He (Mr. Chaplin) was not aware that they were called upon to state any remedies whatever. The speech of the right hon. Gentleman in that respect was very much like the speech of the hon. Gentleman the Member for Bolton—they both appeared to him to be admirable and able speeches, but deficient in one particular—they were not speeches *ad rem*. They were speeches directed against Protection, and the speech of the hon. Member for Bolton was specially directed against the imposition of any duty upon corn. But what was the Motion before the House? The Motion before the House was a proposition on the part of his hon. Friend the Member for the Tower Hamlets that no Commercial Treaty should be entered into with France except on certain conditions, and among those conditions was one in particular—that they should not tie the hands of the Government for more than 12 months. He could assure the hon. Member for Bolton that if ever the time arrived when he thought it necessary and right in the interests of the whole community to do so, he would not hesitate for a moment to propose the imposition of a duty upon corn, whether on wheat or barley or any other description of corn. The hon. Member for Bolton asked him (Mr. Chaplin) to explain to the House, if he were able to do so, what the cost in this country would be of producing a quarter of wheat. [Mr. J. K. Cross: I said the cost in labour.] That was exactly what he understood the hon. Gentleman to have said. The object of the hon. Member was to find out what the cost in labour of producing a quarter of wheat in this country was in order to establish a theory that it gave far less work to English working people than a quarter of wheat imported from abroad. The statement of the hon. Gentleman was that a quarter of wheat cost in this country 10s., whereas the cost of a quarter of wheat imported from abroad was 30s. Now, what did the hon. Member mean by the cost in labour? He acknowledged the vast superiority of hon. Gentlemen on the other side of the House in their knowledge of political economy, and especially the right hon. Gentleman the President of the Board of Trade. But surely, hon.

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Members opposite must have learned by this time that everything that contributed to the production of a quarter of wheat in this country, except the original soil, was the fruit of labour. First, there was the seed. That was the fruit of labour; for it had to be collected and sown. Then there was the manure. They heard a great deal about artificial manure. In this case would any hon. Gentleman tell him that the application of artificial manure was not the fruit of labour? Could any hon. Member describe anything to him in the world that was necessary to the production of a quarter of wheat that was not the fruit of labour? Then, taking that view of the matter, although it was one upon which he had sometimes made calculations, he was asked the question suddenly, and he was sorry he had not got his calculations with him; but, putting it at the lowest, the cost of the production of a quarter of wheat in this country could not be estimated, he thought, at much less than £2.

Mr. J. K. CROSS wished to ask if the hon. Member included anything in his calculation for rent?

Mr. CHAPLIN said, no; and he would tell the hon. Gentleman how he arrived at the calculation. He was informed by the farmers with whom he was in the habit of conversing in the country that it did not pay them to grow wheat unless they could get a return of £10 an acre. Allowing 30s. or £2 for rent, a balance of £8 was left. He took the produce of an acre of four quarters, which was a liberal allowance indeed. He was sorry to say that the produce did not often reach that amount now. That brought the calculation to £2 a-quarter, and in that calculation he put aside all consideration of rent altogether. The hon. Baronet the Under Secretary of State for Foreign Affairs pointed out that the Motion of the hon. Member for the Tower Hamlets contained four distinct propositions. So far as he (Mr. Chaplin) was concerned he approved of them all; but he attached especial value to that which declared that the hands of the Government should not be tied in any Treaty into which this country might enter with France for a period of 12 months. He would state to the House, with the utmost frankness, the grounds on which he held this opinion. He could not believe, in spite of all the reassuring speeches they had

had from the other side of the House, that either the present condition or the future prospects of the commercial portion of the country were by any means satisfactory; and he must say that he had, besides, some considerable apprehension that they had been driving the theory of Free Trade now, for a good many years, much too hard. There were a good many reasons for apprehensions on their part. They in this country were in the uninterrupted enjoyment of the blessings of Free Trade, while on the Continent of Europe and in America they found what the right hon. Gentleman not long ago described as the impoverishing system of Protection—a system which the Chancellor of the Duchy of Lancaster (Mr. John Bright), who was notorious for his temperate language in dealing with this subject, on one occasion spoke of as the last refuge of cowardice, idleness, and greed. But, notwithstanding that, what did they find with regard to the commerce of the country during late years as compared in point of increase with the commerce of those benighted and blinded nations which pursued a policy opposite to their own? He found that during the last 10 years under Protection the trade of France had increased 39 per cent. Under the same system the commerce of Belgium, during the like period, had increased 51 per cent, and the commerce of Holland 57 per cent. That was the result of Protection on the Continent of Europe. What was the condition of things in America? He found that the commerce of that country under Protection—that impoverishing system, that last refuge of cowardice, idleness, and greed—had increased 68 per cent during the last 10 years; whilst the commerce of this country had increased under the blessed system of Free Trade just 21 per cent in that period. The fact was, that those countries whose commerce, according to the authority of Free Traders, ought to be languishing, was catching hand over hand the commerce of England, which, according to their theories, ought to have prospered so much under Free Trade. He confessed that was a fact which, to a certain extent, filled his mind with misgivings and even with alarm, and those feelings were certainly not allayed when he remembered that some of the advocates of Free Trade in that House and in the country at the present time were

the same men who were its advocates when it was first introduced as a system—the same men who had been proved by experience to have been mistaken, and to have been absolutely wrong in almost all the prophecies they made with regard to its adoption by other countries. When, for instance, the dangers which might arise to this country were pointed out, if England alone amongst nations adopted the policy of Free Trade, the charge was always met by the assurance on the part of Mr. Cobden and his Colleagues that those dangers could not by any possibility arise, because the advantages of Free Trade were so obvious that all other countries would immediately follow their example. But it would not be difficult to show, by a reference to the words of Mr. Cobden himself, that he was mistaken. Mr. Cobden said, on one great occasion, with reference to the success of the principles which he advocated—

“We have a principle established now which is eternal in its truth, and universal in its applications; it must be applied in all nations and throughout all time, and if we are not mistaken absolutely in thinking our principles are true, be assured that these results will follow, and at no distant time.”

But these results never had followed; and what was the inference he must draw from Mr. Cobden's own words, if it was not that Mr. Cobden was mistaken, and that his principles were not so true as he believed them to be? The fact was, that since this country adopted Free Trade, there had been a complete revolution in the conditions of the whole world, and this had led, as a natural consequence, to many results which had never been dreamt of for a moment by the advocates of Free Trade at that time. The right hon. Gentleman the Member for Birmingham himself, now the Chancellor of the Duchy of Lancaster, declared on one occasion that there was no other country in the world which produced corn in quantity more than sufficient for its own consumption, or supplied in such a degree that she could by any possibility become a dangerous rival to this country. He had no doubt that when that statement was made it was perfectly true, although it was entirely opposed to the facts of the present day. Mr. Cobden thought, on the other hand, that they should purchase food from other countries, but that they would take their

manufactures in return. They did, indeed, purchase food from other countries, and they were beginning to rely, he feared, too much upon them for their supplies, to the detriment of their own agriculture, and to an extent which, if certain unhappy contingencies were to arise, might lead to great danger, and possibly great disasters, for this country. But those countries did not take their manufactures in return, although they bought from them such enormous quantities of food. That was a state of things which must, he thought, if left unchecked, sooner or later lead to a condition of national bankruptcy. But if the prophets of former days were wrong in estimating the course that would be pursued by other countries, he was bound to say that the prophets of more recent times had been even more mistaken. The Chancellor of the Duchy of Lancaster, on the 25th of July, 1877, the occasion of the Cobden Celebration, when pointing out to the members of the Cobden Club, as he presumed, how the doctrines of Protection were being gradually destroyed in the United States and in France, said—

“If we look to France, we see that Protection is becoming weaker. If we look to the United States and consult any intelligent American who comes to this country, we shall find that there it is shaken and is tottering to its fall.”

It was four years since that statement was made, and if it was true that Free Trade was then tottering to its fall it was remarkable that it should be so steady at the moment he was speaking. But the right hon. Gentleman having spoken of the opinion of intelligent Americans four years ago, he might perhaps be permitted to refer to the opinion of intelligent Americans at the present time as it reached him through a personal friend who had visited the United States during the last few months. His friend stated that in speaking of this question of Free Trade everyone talked of the suicidal policy which they were pursuing in England. He must say that it increased the distress and alarm which he felt, to find that those who assumed to be the instructors and guides of public opinion on a question of such vast importance as this, were so bigoted by their prejudices in favour of their own views as to be absolutely unable to form an intelligent, sound, or impartial estimate of public opinion in any country which happened

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to be at all contrary to their own. He was quite aware that in expressing these opinions he should be held in the estimation of the right hon. Gentleman the Chancellor of the Duchy of Lancaster to be only fit for the interior of a lunatic asylum. ["Hear, hear!"] He supposed it would be useless to remind him or hon. Members who cheered that assertion, that if this view were carried into effect that asylum would be shared by the leading politicians and the greatest statesmen of every country in Europe except their own. However that might be, he was not in the least degree influenced by charges of that nature; on the contrary, he thought that, sooner or later, they would recoil upon those who made them. He was sincerely anxious that the Motion of the hon. Member for the Tower Hamlets should be accepted by the House. It pledged no one to any retrograde action in the matter of Free Trade; but it did leave a road open for action of that character, if it should be found or shown by experience to be necessary or desirable in the future. He could understand that its acceptance might possibly be a mortification to the self-love of members of the Cobden Club, or of hon. Members who sat on the opposite Benches; but it was not his business to find a shelter for or throw a veil over the self-love of any hon. Members opposite. The Under Secretary of State for Foreign Affairs had alluded to a meeting held some days ago at Exeter Hall. As he was informed, that meeting was composed of working men and the delegates of working men from all parts of the country, and, notwithstanding the disparaging terms in which the hon. Baronet had spoken of it, he should have been glad to attend and hear from the workmen themselves the views and opinions which they entertained upon this most important question. He concluded by expressing a hope that the House of Commons would give its vote in support of this Motion, which, if carried, would leave the hands of the Government untied; while, at the same time, it would enable them to deal with the question in the future in such a manner as might be necessary in the interests of all classes, especially of the working classes of the country, and for the commercial prosperity of the nation at large.

MR. MAC IVER said, that at so late an hour he did not propose to detain the House for any length of time; but there were one or two points upon which he desired to make some observations. He wished to point out that statistics were, at best, half truths, and that the conclusions which the right hon. Gentleman the President of the Board of Trade had given to the House were totally at variance with the practical knowledge of every carrier by sea. He had been for 25 years connected more or less with the French trade, and for many years had been a partner in a firm of ship-brokers at Havre. In matters of this kind the opinion of shipowners was of value, because they had not only the figures of the Board of Trade to instruct them, but they saw behind the scenes. They knew the character of the business which their own ships were doing, the kind of things they were carrying; and they saw also what kind of things their competitors were carrying. Figures alone, even when they were true, were not the whole truth. Not longer ago than yesterday he was, as a Director of the Great Western Railway Company, looking to see what kind of business they were doing with ports in France, and to-day's experience of the Great Western Railway was the same as his own experience of former years. The trade from Great Britain to France was in articles which possessed value in themselves; while the trade from France to England represented, for the most part, luxuries and things of no particular value, except as the finished productions of valuable labour. Their price was, in a great measure, wages which they paid indirectly to French artisans. But the right hon. Gentleman was not even correct in his figures. Having been at the pains to examine the Board of Trade Returns for the last 22 years, he was in a position to contradict the right hon. Gentleman's statement that the exports of bullion were greater from France to England than from England to France. The actual figures of the last 22 years were that they had sent France in bullion £140,000,000 and had only got half of it back. Again, what did they get from France in the way of goods? Their imports of French products during the last 22 years were nearly £700,000,000; £400,000,000 of this consisted of manufactured goods and wines; and, in round

figures, their importation of farm and garden produce was not much short of the other £300,000,000. What, on the other hand, were their exports to France? Not £700,000,000, nor £400,000,000, nor even £300,000,000. Everything of British or Irish production that they sent to France—not manufactured goods only, but including coals and pig iron—did not add up to more than about £270,000,000. And the facts were worse than the figures, for while the character of French exports made them profitable to France, our exports of such things as coals and pig iron were, to some considerable extent, loss of wealth, and supplied the raw materials for competing industries. He wished to point out that ships were cosmopolitan. British capital owed no allegiance to the British Crown, and it was open to the English people to invest their money abroad in ships. Undoubtedly, a certain school of Free Traders would so invest money under the French Bounty system. The effect of that system would be that where any competition existed between French and English ships in foreign trades the balance of success would be with the former. He asked the House and the Government why they should think of concluding any new Treaty with France which would allow the French to do what they were doing now with regard to the *surtaxe d'entrepôt*—an arrangement whereby France stimulated the trade of such ports as Havre and Bordeaux to the disadvantage of every port in Great Britain and Ireland. The French people said that this was not at variance with the “Most Favoured Nation Clause;” but from the geography of our position we were the only country seriously affected in the way he had pointed out. By the system to which he objected, not only were English shipowners wronged but English seaports as well—such places as Liverpool, for instance—and not alone our brokers and merchants; in fact, the mercantile classes and the labouring classes generally. They had great reason to complain of the Government. Her Majesty’s Ministers should not merely speak of this as “an important question;” but they should get up and say that they would protect the interests of the British merchants, and would not conclude any Treaty with France which did not enable the ports of Great Britain and Ireland to compete

fairly with those of France. France, in this matter, was doing a deliberate wrong to us, and he (Mr. Mac Iver) complained bitterly against the Government and against the Under Secretary of State for Foreign Affairs from whom, in spite of the invariable politeness of their utterances, it was difficult to get any definite reply. It seemed to be impossible for them to say to the French Government, as they ought to do—“You must deal fairly by us or we shall decline to negotiate a Treaty with you.”

Question put.

The House *divided*:—Ayes 153; Noes 80: Majority 73.—(Div. List, No. 384.)

Main Question proposed, “That Mr. Speaker do now leave the Chair.”

Motion, by leave, *withdrawn*.

Committee *deferred till To-morrow*.

PARLIAMENT — ARRANGEMENT OF PUBLIC BUSINESS — LAND LAW (IRELAND) BILL.

MR. GLADSTONE: It may be to the convenience of the House that I should state that in consequence of the prolonged proceedings which we understand to have taken place in the House of Lords on the Land Law (Ireland) Bill, we do not propose to ask the House to proceed with that measure to-morrow. We will take it on Monday. To-morrow, at 12, we propose to take the Navy Estimates.

SIR WALTER B. BARTTELOT was bound to say that this statement had taken the House with surprise, and that the proposed arrangements would be very inconvenient to many hon. Members. [*Laughter.*] Hon. Members opposite were prepared to laugh at any statement; but it was a fact that many hon. Gentlemen would come down to-morrow for the purpose of discussing the subject which the Prime Minister had said early in the evening would come on for consideration. There was, of course, no help for it if the Prime Minister had made up his mind; but hon. Members should have been told about it sooner, so that other arrangements could have been made.

MR. GLADSTONE: I must say I am surprised to hear the hon. and gallant Baronet speak in this strain. It is, of course, necessary for us to do all we can

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to save the time of the House, and to bring on this important Bill at the earliest possible moment for the convenience of Members. But what would have been said of the Government if we had come down here at 12 o'clock to-morrow to consider the Lords' Amendments without having had those Amendments printed? I am sorry our arrangements must give inconvenience to anyone; but that inconvenience will be felt on all sides of the House.

SIR STAFFORD NORTHCOTE: I quite agree that it would be far more convenient to have another day to consider the Lords' Amendments before we discuss them here. As they have come down to us at such a late hour, no doubt it would be advisable to defer their consideration until Monday. I am not sure whether it would not have been better to have fixed Monday in the first instance, as that would have saved the necessity of putting many hon. Members to inconvenience. No doubt, the day was originally fixed with the best intentions; but we cannot help regretting that hon. Gentlemen should be put to inconvenience.

REGULATION OF THE FORCES BILL.

(*Mr. Secretary Childers, The Judge Advocate General, Mr. Campbell-Bannerman.*)

[BILL 193.] CONSIDERATION.

Order for Consideration, as amended, read.

MR. CHILDERS said, that yesterday, at midnight, the block was taken off this Bill; but after taking it off at 12 o'clock, the hon. Member for Cavan (Mr. Biggar) put it on again at 4 o'clock in the morning. Strictly speaking, the hon. Member was within his right, although the block did not appear on the Notice Paper; therefore, he (Mr. Childers) would not proceed with the Bill.

Consideration, as amended, *deferred till To-morrow.*

NATIONAL DEBT BILL.—[BILL 243.]

(*Mr. Chancellor of the Exchequer, Lord Frederick Cavendish.*)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

MR. WARTON objected, and suggested that further time should be given to the hon. Member for the City of London to consider what course he would take.

SIR R. ASSHETON CROSS urged the House to agree to the Motion, and pass the Bill.

Motion *agreed to.*

Bill read the third time, and *passed.*

SUPREME COURT OF JUDICATURE

BILL.—[Lords.]—[BILL 227.]

(*Mr. Attorney General.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Attorney General.*)

SIR R. ASSHETON CROSS asked whether, under all the circumstances of the case, the Government would not withdraw that part of the Bill which related to the patronage of the Chief Justice of the Common Pleas and the Chief Baron of the Exchequer?

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, the Government had fulfilled a pledge they gave as to this matter, and were prepared to discuss it now. If it was not dealt with now the patronage would remain with these Courts until next Spring. The Government having fulfilled their pledge would leave the matter in the hands of the House; and if the Government agreed to postpone the discussion, it must be understood that they did so in deference to the wish of the House.

SIR R. ASSHETON CROSS said, there could be no objection taken to the action of the Government; but he hoped they would agree to leave this matter to be dealt with next Session.

Second reading *deferred till Monday next.*

PEDLARS (CERTIFICATES) BILL.

[Lords.]—[BILL 234.]

(*Mr. Courtney.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Courtney.*)

MR. COURTNEY, referring to an objection to this Bill entertained by the

hon. Member for Hertford (Mr. A. J. Balfour), explained that under the Act of 1879 a pedlar could obtain a certificate for any particular district; but if he wished to go into another district he must apply to the magistrate for another certificate. That involved an inquiry by the police as to the man's character, and the whole matter became either irksome or degenerated into a farce.

MR. A. J. BALFOUR explained, that he had blocked this Bill only to ensure a discussion upon it at a proper time. He had been requested to state the objections felt by the Commissioners of Hertford to the Bill. It was true the Bill removed trammels, and, as a rule, that would be a good thing; but the work of the pedlars was decreasing with the increasing means of communication, and as their trade grew less they supplemented it by other trades, which ought to be supervised by the Police. For the protection of the public it was considered necessary to restrict the certificates to districts, so that the pedlars could be more easily watched. The operative clause of this Bill was the 2nd clause, and he thought the whole argument against the Bill was that it removed a restriction which ought to be maintained.

SIR WILLIAM HARCOURT said, he did not think the objections of the hon. Member were well-founded. No other objections had been offered to the Bill, and he had been advised that these pedlars exercised a very useful trade, and were very much hampered and embarrassed when they went into a town like Birmingham, in which there were several police districts. The endorsements of the certificate were no benefit at all; and the Police were empowered under the existing Act to demand the pedlar's certificate and to inspect his pack. Representations had been made to the Home Office that these men suffered from embarrassing regulations, and he hoped the House would allow the Bill to pass.

MR. ONSLOW, representing a place where there were many pedlars, said, the head of the Police there had assured him that the certificate was a great safeguard to the public. The pedlars were more or less of the tramp class, and unless the Police had control over them they might transfer the certificates from place to place. The pedlars were not confined to towns, but were all over the country;

and he considered this a very dangerous Bill, for it would encourage burglary and housebreaking. He did not believe the Police of the country would agree to the Bill.

MR. WHITLEY said, the Police in his district had told him the mere endorsement of the certificate was no protection at all; and, under these circumstances, he felt bound to support the Bill.

MR. R. N. FOWLER said, it certainly appeared to him that the Bill was one of very doubtful expediency.

Question put.

The House *divided*:—Ayes 80; Noes 8: Majority 72.—(Div. List, No. 385.)

Bill considered in Committee.

(In the Committee.)

Clause 1 (Short title) *agreed to*.

Clause 2 (Alteration of 34 & 35 Vict. c. 96, so far as regards requiring indorsement of a pedlar's certificate).

MR. A. J. BALFOUR said, the whole pith of the Bill was contained in this clause; but after the division which had already taken place, he would not waste the time of the House by taking another division. He had not received a sufficient amount of support to justify such a course, and he could only expect a repetition of the defeat he had already sustained.

Clause *agreed to*.

Bill *reported*, without Amendment.

SIR WILLIAM HARCOURT said, he hoped the House would now allow the Bill to be read a third time.

Question, "That the Bill be now read a third time," put, and *agreed to*.

Bill *passed*.

PETROLEUM (HAWKING) BILL—[*Lords*.]

(*Mr. Courtney*.)

[BILL 222.] CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Consideration of the Bill, as amended, be deferred until Saturday."—(*Mr. Solicitor General*.)

MR. WARTON said, he must enter his protest against the practice now resorted to of putting down deferred

Mr. Courtney

Bills for a Saturday Sitting. A Sitting had been fixed for Saturday really for the purpose of taking Supply, and he had understood that Supply would be the only Business proceeded with. That was the understanding last week, and it had been acted upon. When an exceptional Sitting was held on a Saturday, there ought to be a distinct understanding that no Business would be entered upon except such as was really necessary in the interests of the country.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL): To save further time, I will put down the Bill for Monday.

Consideration, as amended, *deferred* till Monday next.

POLLEN FISHING (IRELAND) BILL.

On Motion of Mr. SOLICITOR GENERAL for IRELAND, Bill to amend the Law regulating the Close Season for fishing for Pollen in Ireland, ordered to be brought in by Mr. SOLICITOR GENERAL for IRELAND, Mr. ATTORNEY GENERAL for IRELAND, and Mr. WILLIAM EDWARD FORSTER.

Bill presented, and read the first time. [Bill 248.]

House adjourned at a quarter before Two o'clock.

HOUSE OF COMMONS,

Saturday, 13th August, 1881.

The House met at Twelve of the clock.

MINUTES.]—PUBLIC BILL—First Reading—
Central Criminal Court (Prisons)* [251].

ORDER OF THE DAY.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

NAVY (SOBRIETY).—RESOLUTION.

MR. CAINE, in rising to move—

"That, in the opinion of this House, it will promote good conduct and sobriety among the men and boys of the Royal Navy if the spirit ration were henceforth discontinued, and some equivalent given, equal to the value of the spirit ration, in the form of improved dietary or increased wages ;"

said, that he was anxious to state his case as briefly as possible, in consideration of the state of Public Business. Intemperance was the great cause of insubordination in the British Navy, and he could not do better than begin by reading an extract from *The Western Morning News*, one of many similar cuttings he had made from the newspapers, in regard to a court martial which had been held on a private of the Royal Marines for drunkenness and assault. The only defence the man made was that he had taken "an extra tot of grog," and that he did not know what he was doing. He was sentenced to 18 months imprisonment. He (Mr. Caine) took that as an illustrative case of the evils arising from the habit of intemperance, induced by the supply of a daily spirit ration. Another cause of drunkenness, strange as it might appear, was the existence of so many teetotallers on board of every ship in the Navy. This arose in the following way. The money given by the Admiralty to the men in exchange for the rum ration amounted to 1½d. for two days. The selling price of the rum on shore would be about 1s. 6d. The consequence was, that men who did not draw their spirit ration sold it for what they could get to those members of the mess who were in the habit of drinking. The cook of the mess got considerably more liquor than was contemplated by the naval authorities, being paid for his trouble by each of the other members of the mess giving him a small portion of grog, amounting in the aggregate to over two pints a-day. Another cause of drunkenness was the habit of saving drink for a birthday or some other occasion which it was desired to mark as a special festivity. This was of too frequent occurrence, and sometimes a whole mess would get into difficulties through excessive drinking, after having saved their rations for a week or 10 days. Another evil of the system was that the spirit ration was frequently given to petty officers to overlook certain small offences. He quite agreed that they were bound to make their sailors as comfortable as possible on board their ships, and to give them the best scale of diet which was available for them; but he contended that rum was not food, that spirits were not in any way food, that they were bad for the

morals, and bad for the health, and ought to be discontinued. He would not detain the House, as in other circumstances he might have done, by quoting the testimony of distinguished medical men on that point. It was now, he thought, clearly proved that spirits were not necessary; but, on the contrary, that they were dangerous as an article of diet. He contended that the discontinuance of the spirit ration would not in the least interfere with the efficiency of the Navy; in his opinion, it would improve it. He could quote many cases to show that sailors who had to serve in very hot climates found that they could do their work better without the spirit ration than they could do with it. In the Cunard Mediterranean Service, where the men had to endure great heat during summer, the spirit ration had been discontinued. He recollected the case of a gunboat which was sent out by the Indian Government to the Red Sea for special service. By some strange mistake, which, he was sorry to say, did not more frequently happen, the supply of rum was omitted from the ship's stores. That was not discovered until after the ship had set sail. The commander did not think it right to put back; but he put in at Aden and took in a plentiful supply of coffee and sugar. The men had hard service, being frequently employed in rowing in open boats in the hottest weather. They had an unlimited supply of coffee and sugar, and they did their work exceedingly well. When the ship got back to Bombay they were compelled to take the regulation ration of rum, and a petition, signed by every man on board, was presented to the captain, asking that they might have coffee and sugar instead of the rum ration; but the Regulations of the Navy at that time did not allow of it. He had a great many other instances to show that men could do their work in hot climates better without rum than with it. In the Arctic regions, where sailors had to endure great extremes of cold, it was found that they did their duty as well without the rum ration as with it; indeed, evidence was readily forthcoming that men were healthier and better without spirits than they were where spirits were being served out. He would read a short extract from the diary of Sir John Ross, regarding his expedition of 1829-33,

Mr. Caine

which he (Mr. Caine) regarded as of the more value as at that time temperance principles were not so popular as they were now. He (Sir John Ross) narrated how he stood the cold better than any of the men under his command who used tobacco and spirits. When they were obliged to leave the vessel, and left the stores behind them, he said—

“It was remarkable to observe how much stronger and more able the men were to do their work when they had nothing but water to drink.”

To come to another point, he (Mr. Caine) found that teetotallers were constantly distinguishing themselves above their fellows. Officers of his acquaintance told him that teetotallers were men chosen for special service, because they could be so much better trusted than other men. The first man who reached the top of Majuba Hill was a teetotaller of the Naval Brigade. He lost his life from the fact of his being first up the hill. In 1877 the Army and Navy Challenge Cup at Wimbledon and the first prize for the Army and Navy were secured by the same man—the first instance of the sort on record. That man was a lifelong teetotaller in the Navy. In 1878 the Army and Navy Challenge Cup was again won by a teetotaller. There were several other instances in which teetotallers in the Navy had distinguished themselves in musketry practice, all of which went to show that there were excellent precedents for the practice which he recommended. The spirit ration had been abandoned in the American Navy for 17 or 18 years with the most beneficent results; and they had a great many instances of sailors in their Merchant Service doing their work more effectively without the spirit ration than those who got the spirit ration. It had been intended that this Motion should have been seconded by the hon. Member for Carnarvonshire (Mr. Rathbone), if he had been able to be in his place. He would have been able to give important evidence of his experience as a member of a firm who, for 30 years, had sailed their ships without giving grog—a practice which had now been adopted by the best Ship-owning Companies. He would have been able to state that even during the Crimean War, when ships were detained for a week or ten days waiting for crews, owing to the scarcity of

sailors, neither his firm nor any other firm not allowing grog on board had to wait for a single day for a crew, though the men had to sign articles that they were not to receive any grog. Messrs. Lamport and Holt, managing owners of the Brazil and River Plate Line, with 40 steamers, and trading to a very hot country, said, in reply to an inquiry, that it had been the rule with them for many years, except in cases of sickness, not to allow intoxicants of any description to be served out to the crews of their steamers. This rule, they said, was adopted by other Steamship Companies, and it did not in any way deter men joining the service. Messrs. Ismay and Imrie, who possessed, in addition to their steamers, a very large fleet of sailing vessels going to all parts of the world, their steamers being engaged in the Atlantic trade, which was a most difficult and exposed voyage, said that all their crews signed articles without any grog clause, and no intoxicants were permitted to be served or sold to them on board. They could testify from long experience that this rule had neither prejudiced nor prevented good crews being freely obtained. For some years grog in their service had been altogether abolished, with satisfactory results in the performance of their duty by the crews, and improved discipline, and, consequently, greater safety of the valuable lives and property intrusted to their care. But perhaps the most remarkable testimony was given by reading the instructions issued in 1875 by the Pacific Steam Navigation Company, one of the largest Steam Shipping Companies trading from Liverpool to the West Coast of South America. He (Mr. Caine) wished it to be noticed that the Directors took the matter under their consideration, and did not leave it to the chief purser. The instructions said that a case of drunkenness on board the Royal Mail Steamship *Britannia*, on her last homeward voyage, having been proved, they decided to abolish the allowance of spirits to seamen, firemen, bakers, and cooks in future. The stipulation on the articles of "no grog allowed" had to be strictly adhered to, and care must be taken that it was properly explained to the men on signing articles. Previously the seamen, when at sea, were not to have more than three glasses of grog, the fireman three glasses,

and cooks and bakers two glasses each; and when in harbour the seamen received two glasses, and the firemen two glasses, and the cooks and bakers one. Even that moderate allowance resulted in so much intemperance on board their ships at sea that they were obliged to rescind this order. Messrs. Smith and Son, the largest owners in the East India trade, and Messrs. Allan Brothers, Liverpool and Glasgow, whose vessels went perhaps the most severe voyages during the winter months, did not allow spirit rations. He knew that the hon. Gentleman the Secretary to the Admiralty (Mr. Trevelyan) had given his earnest attention to the subject; and he hoped before long to see these stupid, absurd rations got rid of, greatly to the advantage of Her Majesty's most important Service. He would conclude by moving the Resolution of which he had given Notice.

MR. WILLIAMSON said, he desired to second the Motion of his hon. Friend the Member for Scarborough (Mr. Caine). He believed that the existing arrangements of the Navy really became a temptation to men and boys, and injuriously affected their efficiency. He also believed that they were a hindrance to men in their desire to abstain themselves, and to promote temperance among their shipmates. His own experience as a shipowner was this—that at the beginning of their career they served out grog, but for at least 20 years they had given that up. Their ships were among the ice of the Arctic Seas for weeks. Since they had made the change, it had promoted the good of the men themselves, and had acted most efficiently and well in the promotion of sobriety and good conduct in the crews of their vessels. His experience was all in favour of the recommendation to the Secretary to the Admiralty to take this into consideration, and make arrangements in furtherance of the Resolution which had been submitted to the House.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it will promote good conduct and sobriety among the men and boys of the Royal Navy if the spirit ration were henceforth discontinued, and some equivalent given, equal to the value of the spirit ration, in the form of improved dietary or increased wages,"—(Mr. Caine.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR JOHN HAY said, he was quite sure that the Navy was not yet ripe for the proposal made. A great deal had been done of recent years in the direction indicated by the hon. Member in his Motion; but there was a number of considerations which weighed against this ration being done away with. Already half of it had been discontinued; but there were considerations with reference to climate and other matters which must be regarded before a ration of this kind was discontinued for those who desired it. Sometimes the water supply on board ship was of a very questionable character, and the medical officers of the Navy were of opinion that the spirit ration was of advantage to the health of the men. He recognized that many of the evils suggested were developed by the spirit ration; but he was quite sure that many other evils would be introduced if it were entirely done away with. For the last 20 years all persons under 18 years of age were not allowed the ration, and a very large proportion of the seamen and marines were members of temperance associations. He thought that the great majority who still continued to use it, and for whom it was useful under certain conditions of service, should be allowed to do so. He could not believe that the Admiralty would prevent this; but that they would go on as they had hitherto done, and endeavour to induce the habit of temperance among our seamen and marines, which had made so much advance of recent years.

MR. TREVELYAN said, he could not congratulate the House upon their having entered upon the Navy Estimates through the portal of an unusually interesting discussion—a discussion which had done credit to the interest of the hon. Gentleman the Member for Scarborough (Mr. Caine) in the principles of temperance, and to his eagerness to apply those principles to the welfare of our Navy. He (Mr. Trevelyan) might venture likewise to thank the hon. Member for having stated the arguments against the abuse of spirits in the Navy at a moment when, for the first time for 20 years, the Admiralty were going to do something noteworthy to check it. What that something was he proposed

to explain to the House—to state why it was that the Government considered it more expedient to deal with the question in that way than in the way proposed by the hon. Member. The hon. Member's efforts were singularly well-timed. It was only within that very week that the punishment of flogging had practically been abolished in the Navy by Admiralty Order; and the Members of the Board which had issued that Order were bound to ask themselves what could be done to diminish the temptation to the faults and crimes for which flogging was once the recognized punishment. As to the cause of those crimes, there was no doubt whatever that it was drink—the direct and indirect effects of drink—to which most of the misconduct that existed in the Navy was due. In the year 1850 this was so manifest that a Committee of 11 eminent officers—admirals and post captains—was appointed, who found that—

"The evening grog is the source of those evils which render discipline irksome, and give to the Naval Service a character for harshness which it does not deserve."

In consequence of their Report the allowance of rum, which then was a quarter of a pint per diem, was reduced by one-half, and many excellent alterations were made in the system of diet, which conduced much to the bodily comfort and moral welfare of our seamen. The present state of things stood thus: At 7 the sailor had his breakfast, with his cocoa; at 12 he dined, and then he had his half-gill of rum, which was served out in the shape of diluted grog; at half-past 4 he had his supper, with tea and sugar as a beverage, and that was his last meal. One feature of this arrangement was its extraordinary cheapness to the country. The Admiralty purchased the spirit in bond. The rum ration, which, with the duty added, would be worth 2½d., only cost the country the third of 1d., and the entire cost of the rum issued to the whole Navy all the world over was last year only £14,500; and this year, with the rise in spirits, it was £18,000. But the Admiralty, in case a man forewent his rum, thought it right to break through its usual rules, and to allow him far more than the value. A man might take in place of his rum an extra ration of tea and sugar, which was worth a third more than the rum; or savings in money, which were

pretty nearly twice the value of the spirits. And it was a rule in the Service that no one, whatever his rank, might draw his spirits if he was below the age of 18. He was not going to try and persuade hon. Gentlemen that a sailor who drank his rum and water with his dinner, and never exceeded that dose, was likely to be much the worse for it. That was not the question. The question was two-fold. In the first place, their young sailors acquired a taste for spirits, by getting them daily at an age when they were quite as well without them. And, in the next place, there was such a quantity of spirits going a-begging on the lower deck, that a man who liked to exceed found it easy to get more than was good for him. Officers who had the means of knowing believed that a sixth of our crews were teetotallers. They certainly were so in some vessels. And yet of the 38,000 seamen and marines afloat, only 2,000 or 3,000 took money or tea in lieu of rum. The plain fact was that whereas the Government gave, and could give, a little over $\frac{1}{2}$ d. in place of the ration, the ration itself sold for 2d. and 3d.; and they all knew what that meant. The man who did not drink his rum preferred to sell it to his comrades, rather than sell it to the Government. And, again, rum was issued to officers as well as to men. It was issued, but comparatively seldom drunk; and there could be no doubt that a great deal of it was given away, and went to the lower deck. Dr. Macleod, the retired Inspector General, one of the most trusted and experienced of our medical officers, said that in the different ships in which he had served all serious accidents could be traced to the men who were at the time more or less excited by spirits; and he wrote—

“It cannot but have a pernicious influence on young men to have a daily ration of spirits served out to them as part of their diet, as it must tend to engender in them eventually a desire for the stimulant, and assist from the first to lay the foundation of disease in whatever organ of the body may happen to be constitutionally weak.”

But, if it was bad for young men to drink spirits, it was bad for them to go from 4.30 P.M. to 7 A.M. without any food at all, exposed for half the time to the fatigues and rigours of a night watch. Under those circumstances, the Admiralty had come to the following conclusion, under the original impulse of

his right hon. Friend the First Commissioner of Works (Mr. Shaw Lefevre), though his scheme had been considerably enlarged since that. In the case of those who should in future enter the Navy, they would withdraw from all men and boys of every rank below the age of 20 their spirit ration. In the working out of this the Admiralty had been considerably strengthened by the Motion on the Paper in the name of his hon. Friend (Mr. Caine). In place of rum, in addition to tea and sugar, they would give a ration of soluble chocolate and sugar, which sailors, who were keeping midnight or morning watch, might use as the material of a very well-timed and much-needed meal, which was a change from their cocoa, preferred by many, and which was less liable to disagree with the few delicate stomachs in the Navy. It was cheaper to the Government, besides being more palatable. It had been carefully impressed on the commanders of ships that the sailors, if inclined, should take this cocoa in the shape of a hot meal during the night watch; but if the sailor preferred—and this was the most recent addition to the Government scheme—instead of taking cocoa he was to be allowed largely to increase the allowance of sugar, which was really the most popular of all the rations on board ship. At the present time, the allowance of biscuit was $1\frac{1}{2}$ lb., and that would be changed into an allowance of 1 lb. biscuit and an allowance of $\frac{1}{2}$ lb. of flour. This $\frac{1}{2}$ lb. biscuit was never taken up. It was quite astonishing to observe the quantity of biscuit which was left in store, and it was evidently a part of the ration the men did not care for. Old sailors would know that with this $\frac{1}{2}$ lb. of flour they would make the composition they greatly preferred—namely, duff. The belief of the Admiralty was that when the young sailor had reached 20, and had experienced the comfort of this extra meal in the night, and this large allowance of sugar, he would prefer not to draw his grog, but would continue to take the more healthy ration, and what by that time would be, he thought, a more palatable diet. The Admiralty likewise proposed to discontinue the issue of rum to officers. The rum which was issued to officers' messes was not drunk as a beverage at dinner; it was drawn in large quantities at a time, and might be

said seldom or never to be consumed with any moral or physical profit to the consumer. A great quantity went in presents to the men of the servant and artificer classes as a sort of easy payment for small services; and spirits given in this manner in general went to someone who got more than was good for him. When the ration of rum was reduced by one-half in 1850, no compensation was given to commissioned officers; but the Admiralty did not propose to take this course on the present occasion. A sum of money equivalent to the savings price of rum would be contributed to the mess in aid of the mess funds. And, in another respect, the Admiralty had done something for the cause of morality and discipline, and had, he believed, proved that they understood the laws of health better than they were understood by some of the Admiralties of the past. In order to meet the exhaustive effects of labour in the stoke-hole under a tropical climate, extra grog was permitted to be served out to the men in the engine-room in hot latitudes; and that permission, as the nature of things was, was rapidly turned into a custom. In the Indian troop-ships, some 10 or 11 years ago, extra rations of porter were given to the men, and claret to the engineer officers, and the idea was encouraged that an increased dose of alcohol was the best prophylactic against effects of an enervating climate. But courts martial soon began to show that that idea was a perilous one to start on board ship; and "tropical grog" was the institution to which more than one poor fellow owed his downfall. The present Board—their hands, he gratefully acknowledged, strengthened by the action of the hon. Gentleman and the spirit which it denoted—abolished the whole system of extra issues of alcohol in any shape or form, and substituted for it beverages like limejuice and sugar, and oatmeal and water, which, if not very exhilarating to read about, were much more innocent and salutary in their effects, and which, he had no doubt, would in the long run do more to cheer the stoker under his arduous labours in the tropics, sweetened as those labours were by the large extra pay by which they were very deservedly rewarded. Having stated what the Admiralty proposed to do in order to promote temper-

ance in the Navy, he must turn to the proposal of his hon. Friend, and state why the Government could not ask the House to adopt it. In the first place, that proposal touched the habits of men who had entered the Navy on the existing conditions of service, and touched them with no gentle hand. Every man now in the Navy came in on an understanding that he should have his grog; and to send him off on a three years' cruise without the possibility of getting a drop of what he had been accustomed to, and that when he, perhaps, was a man of 35 or 36, was what he did not think they could or ought to do. It was true that the great Ocean Lines had abolished the issue of grog, and he (Mr. Trevelyan) was very glad of it; but if it had suddenly been done half-way through a voyage, when the men had no choice but to go without their grog or jump overboard, he thought it would have been a step of which the Directors would, perhaps, have repented themselves. Our men were bound to the Service, and great care had to be taken in dealing with their feelings, and even what some, who did not know sailors, were apt to call their fancies, in order to prevent the idea arising among them that advantage had been taken of their situation. Already, the mere report that the grog of the warrant officers was to be stopped—a report which was quite erroneous—had caused a real genuine feeling of anxiety among officers who were no alarmists. He did not like, and hon. Gentlemen who had listened to his answers in the House would acknowledge that he did not like, arguments drawn from the possible discontent and dissatisfaction of our seamen; but he was bound to say that the opinion of naval men in and outside the Admiralty had reminded him that there was a measure in all things, and the hon. Member asked them to proceed further than the Government thought it wise to go. Hon. Members seemed to feel this themselves; for when they sought to abolish the rum ration they, at the same time, in order to make that step palatable to the Navy, accompanied it by financial proposals which the Admiralty could not accept, and which he was convinced that the Treasury would not sanction. Hon. Members proposed that the Admiralty should give the seamen the equivalent of their rum ration in victuals or money.

Mr. Trevelyan

To give the equivalent, and very much more than the equivalent, in victuals—that was, in tea, sugar, and chocolate—was exactly what the Admiralty proposed to do. To give the equivalent in money, and much more than the equivalent for what the rum actually cost the Government, was what the Admiralty did already. What hon. Members meant was that they should give the sailor what he could sell his rum for on board ship, or what he could buy it for at a public-house on shore. And what was that sum? The actual cost of a gallon of rum to the Government was 1*s.* 5*d.* last year. It now had mounted to 1*s.* 9*d.* The savings price allowed by the Government to the sailor was at present 3*s.* a gallon. The value of the gallon in the grog-shop would be 15*s.* The average cost of the rum to the Navy for each year was £15,000 to £16,000. The savings, which were taken by about 2,800 people, came to about £2,032 a-year. The tea and sugar ration, which was taken by about 1,200 people, was about £750 a-year. That was to say, the rum ration and its equivalents at present cost the country about £18,000 a-year, one year with another. The proposals of the Government, which he had detailed in his speech, would, if they were accepted by the whole Navy, cost about £36,000 a-year; but, as the operation of the proposal would be optional and gradual, the burden on the Treasury would be very much less than that. But, while the change for the better, it was hoped and believed, would be very great from the proposal of the Government in proportion to its moderate cost, what would be the result of the proposal? About that there could be no doubt whatever. The proposal of the hon. Member for Paisley (Mr. W. Holmes) to make the value of the spirit ration such as would induce the teetotaler to sell it to the Navy instead of to his friends, would entail a burden on the country of over £96,000, and add nearly £80,000 to the Navy Estimates as an inevitable and instant burden. As Secretary to the Admiralty he must say that, if the country was willing to give his Department £80,000 a-year more, there were many ways in which it might be more usefully spent than in raising the pay of the seamen. Our seamen were, considering the rank from which they were drawn, perhaps

the best paid and pensioned among the large bodies of our public servants, and the ease with which the flower of the population were attracted into the ranks of the Navy proved that to add £80,000 a-year to those attractions would be an indefensible expenditure of public money which was so much wanted elsewhere. Half that sum would enable the Admiralty to set at rest all the personal questions connected with every branch of all the innumerable Services under their control, and to deprive his hon. Friends the Dockyard Members of a grievance for ten years to come. But he must not recommend the House of Commons, for any purpose whatever, however moral and proper, to add at one sweep so enormously to the pay of our seamen. The Government proposed a tentative measure, which made the first step, and a pretty long one it was—indeed, they had been taking it for the last 20 years—towards substituting wholesome and innocent sustenance for ardent spirits. When they had seen how that worked they, or their Successors, would, if necessary, be ready to go further—if possible, very much further, and even the whole way; but this was as far as they thought it safe and wise to go at present. He could only thank the House for listening with attention while he had detailed the arrangements which the Admiralty had put forward, which, long before the hon. Member had this Motion on the Paper, it was their intention, in a modified shape, to put forward—an arrangement from which it was confidently expected, by those who knew the Navy best, that much good would result with as little arbitrary interference as possible with the habits and the susceptibilities of our seamen.

MR. W. H. SMITH said, he had listened with very great satisfaction to the statement of his hon. Friend the Secretary to the Admiralty. No doubt, the conduct of the men had much improved of late years. A drunken sailor, once so common a spectacle, was now rarely seen. He did not understand the hon. Gentleman to say that the allowance of chocolate would be made to the morning watch universally. Such an allowance would be a useful thing for men engaged, as they were, in arduous labour. No doubt, the men, by arrangements among themselves, obtained some food

during the interval between half-past 4 and 7; but if the chocolate were served out to all the watch, there was no doubt it would do much to prevent that sense of exhaustion which induced many to have recourse to spirits as a stimulant. He was aware that commanders had authority to order an extra allowance under certain circumstances; but it should be more generally exercised. He thought the ration of chocolate should be issued somewhat more freely than hitherto. Although it would entail a considerable charge, it was just one of those charges which would result in economy in the long run.

MR. EDWARD CLARKE thought the proposals of the Government were very satisfactory; but he thought they might be made still more satisfactory if, instead of giving spirit rations to total abstainers, who sold those rations in order to purchase soluble chocolate, the Admiralty would provide them with soluble chocolate, especially as regarded the morning watch.

MR. CAINE said, he expressed the feelings of the friends of temperance throughout the country when he said they were satisfied with the large concessions made to them. He expressed his full appreciation of the line in which the Admiralty had embarked, and which he hoped before long would result in the adoption of his Resolution.

Question put, and *agreed to*.

Main Question proposed, "That Mr. Speaker do now leave the Chair."

NAVY—H.M.S. "ATALANTA."

OBSERVATIONS.

MR. JENKINS, in calling attention to the Report of the Committee appointed to inquire into the loss of Her Majesty's ship *Atalanta*, which was a matter of very great importance, and well worth the attention of this House, said, that all who had taken any interest in naval matters, and had followed the proceedings of that Committee, would agree with him that the noble Earl who now presided at the head of the Admiralty (the Earl of Northbrook) had done a great public service in establishing a very valuable precedent, inasmuch as this Naval Commission had been composed of other than naval officers, who had rendered valuable service and elicited

very valuable evidence in the course of the investigation; and he could not help thinking, if the right hon. Gentleman who lately presided at the Admiralty (Mr. W. H. Smith) had taken the same course after the loss of Her Majesty's ship *Eurydice*, instead of bringing up one or two half-drowned seamen to be tried, they would never have heard of this miserable *Juno* or training ship *Atalanta*. Having followed the evidence of that Committee closely, he thought the Civil Members of the Committee had shown great skill and knowledge in dealing with the questions that came before them. He thought, however, it was a matter for regret that the inquiry was confined almost exclusively to the condition or unseaworthiness of this ship. He regretted that the inquiry had not extended to the fitness of a ship of this kind for a training ship. In the evidence before the Committee facts had been brought out which, in his judgment, proved conclusively that a grave blunder, a grave error in judgment, was made by the Admiralty advisers of the right hon. Gentleman; and he was very much surprised that his strong common sense and practical knowledge should have allowed him to sanction the fitting out of the *Juno* as a training ship. So far as he (Mr. Jenkins) could gather, the reason given for that was that she was the only sailing ship in Her Majesty's Service that was available for the purpose, and, to his mind, that was a very great objection to her employment. Now, a ship of 900 tons, according to the evidence, could have been built in a Naval Dockyard for £4,000 or £5,000 more than it cost to repair the *Juno*. The ship was 33 or 34 years old, and the original estimate of the cost for repairing her was £11,500. That was increased to £19,000, or thereabouts, and the total cost for repairs exceeded £27,000. After expending that enormous sum of money upon her, what did they find? That after her first cruise for nine months, she had to be repaired at a cost of £1,800 or £1,900, and a few months after that the repairs to her again amounted to over £800. The fact was that, the mistake having been made, the Admiralty had not the courage to condemn her, as she should have been, upon her first inspection at Portsmouth. As to the stability of the ship, it was proved at the

Mr. W. H. Smith

outset that she was unsuited for the Service, because, before she left Plymouth, one of the best seamen in the Navy, Admiral Sir Thomas Symonds, condemned her and threw doubt upon her fitness for the Service. At the time the vessel left England she showed symptoms of straining, which made it plain that she was not so stable and sound as she should have been when first commissioned. The evidence of the master's mate was very important, as also was the carpenter's of the ship, his evidence showing that at the time she first left England she showed symptoms of straining, and throughout the voyage made a good deal of water even in ordinary weather. When they had an old ship, it was impossible to say whether the straining was such as to make it dangerous or not; and in this particular ship, he believed, the straining was of the character to make it dangerous. That it was so was seen from the fact that it created great anxiety in the mind of Captain Stirling and the officers of the unfortunate ship. Captain Stirling was never quite satisfied with this ship from the time she was first commissioned, for he was always suggesting alterations to the Admiralty. Although the Committee was appointed to inquire into her seaworthiness, they had not done so, but appeared to have evaded the question; and he should like to know if his hon. Friend the Secretary to the Admiralty (Mr. Trevelyan) could throw any light upon the matter, or if it had received the attention of the Admiralty? He had thought it his duty to bring the subject before the House, as he considered it a question of very great importance, and one which should not be passed over lightly. The evidence showed conclusively that the Admiralty were at fault; and though he did not blame the right hon. Gentleman opposite (Mr. W. H. Smith), he blamed those who persuaded him to take this course. Ships of the kind were not fit for training ships. It was true they had a sailing vessel in the Mediterranean; but that was very different to crossing the Atlantic in the Winter months; and he would ask the right hon. and gallant Gentleman opposite (Sir John Hay) whether boys and young seamen could not be trained as well, or even better, in ships of steam power than in sailing ships pure and simple?

In the future, he hoped the same mistake would not be made, and that these sailing ships would not be used as training ships. A great deal had been done by the Admiralty in fitting out a flying squadron; but they wanted more than that, they wanted a detached squadron, and he hoped his hon. Friend the Secretary to the Admiralty would be in a position to tell them that steps with that end in view were being taken, so that our seamen and officers might be better trained than they could be under the present system.

Mr. DUFF said, that, knowing how anxious the hon. Gentleman the Secretary to the Admiralty (Mr. Trevelyan) was to get into Committee upon the Naval Estimates, he would not enter into details in supporting the views of his hon. Friend. That was a subject on which he had more than once expressed an opinion in that House; and though he agreed with the Secretary to the Admiralty, who, in a speech the other day, said he believed the Navy, men and officers, were imbued with the spirit which distinguished the men in the days of Hawkins, Blake, and Raleigh, he was bound to say he was somewhat sceptical as to whether the men and officers now were as great naval sailors as the men of the 16th century. He doubted if they could go through the Straits of Magellan without a pilot. He was afraid that the men of the present day were not so efficiently trained as they should be; and he was very much struck at looking into some figures brought out before the United Service Institution by Admiral Wilson, that out of 18,500 seamen—and we had only about 19,000 seamen pure and simple—10,000 men were under five years' service, and they only averaged 18 months at sea, while 4,270 had served between five and 10 years, with four and a-half years' sea service, and 2,600 15 years, with 11½ years' sea service. Bearing in mind that point, he referred them to the Report of the *Atalanta* Committee, which stated that a large part of the men had never had the opportunity of handling a ship under sail in heavy weather, their knowledge being chiefly derived from books, and not from practical experience. The necessity of that was the more plain when they remembered that it was a practice amongst the large steam packet com-

panies to insist that all their officers should have had their knowledge of seamanship from sailing ships. It was partly from want of this knowledge that so many disasters occurred. No officer would get up and say in that House that a man was fit for the duties of a seaman after about a year and a-half's sea service. How, then, was the difficulty they were now under to be avoided? The modern man-of-war did not employ many sailors, and that was all the more reason that they should seek for some special means of developing good seamanship. He therefore pressed on the Admiralty that they ought to have an increased number of cruisers. Those cruisers might be attached to the Channel and Mediterranean Squadrons; and, instead of their having so many vessels like those at present on foreign stations, they should have vessels of about 2,000 tons—vessels of auxiliary steam power, and not overloaded with guns. If the Service abroad were carried on with those vessels, they would be a very important school for training the officers and men. There would be a saving in the cost of coal, for he would not allow these vessels to steam excepting under certain circumstances. They might, with great advantage, be profitably employed in the Pacific, on the South-East Coast of America, and in the West Indies. Naval authorities he had spoken to on the subject had admitted that the only objection that could be raised was that of expense; but he did not think that they would be justified, if the Admiralty thought these vessels would conduce to the good of the Service, in refraining from having them on the ground of cost. In an interesting speech the hon. Gentleman the Secretary to the Admiralty had said that he believed that half the commerce of the world floated under the British flag. If that was true, it was an important reason why their commerce should be properly protected, and he was bound to say that he did not think matters were satisfactory in this respect at present. He hoped that in next year's Navy Estimates they would hear that the Admiralty were prepared to carry out some scheme for giving the men of the Navy greater experience as *bond fide* sailors; and if there was no objection, except the objection of expense, he hoped they would have the courage

Mr. Duff

to come down and ask the House for the money necessary.

SIR JOHN HAY said, that he desired to join with the hon. Members for Penryn (Mr. Jenkins) and Banffshire (Mr. Duff) in entreating the Admiralty to take some steps for training the officers and men in handling ships under sail. He did not, however, concur in the view of the hon. Member for Penryn in the condemnation that he had passed on the Admiralty for selecting the *Atalanta* for the purpose of a training ship. They must regret the loss of life that occurred in that vessel; but having served in the *Vestal*, a ship identical with the *Atalanta*, in very heavy weather and in a typhoon in the China Sea, he (Sir John Hay) knew that a vessel of that kind, well handled, was quite safe. Nor did he concur in the opinion of the hon. Member that there should be steam power in all the sailing vessels that might be used for purposes of training, for it would add enormously to the cost; and the opportunity that the officers would have for using the steam power at any time, when the energy and skill of those in command, and the skill of the men required to be developed, would tend to have an injurious effect. He thought that the figures which had been given should alarm the country. It was true that our Mercantile Marine had developed enormously, and that by its means we had a considerable number of men returned as seamen in training. A very small proportion of these men, however, could reef and steer—the old qualification for a naval seaman. He calculated that, as a matter of fact, when the number of servants, artificers, and foreigners were taken into account, they had only a Reserve of 15,000 men whom, in the event of necessity, they could hope to call upon from the Mercantile Marine in addition to the Royal Naval Reserve. This was all the more serious, since, of 19,000 men now quoted as seamen in the Navy, there were 10,000 who had only an average of a year and a-half's service at sea, and they all knew that a year and a-half's service at sea was utterly insufficient to make a sailor. He might, in connection with that fact, mention that although seamen might be improved in character and conduct, there was no doubt that, even amongst the more experienced of them, the sailing qualification

cations had much deteriorated. Before a Committee of the House last year Captain Shaw, of the Fire Brigade, an experienced and talented officer, mentioned that, until about 10 years ago, the men of the Fire Brigade were taken almost entirely from the Navy; but latterly he had given up taking men from the Navy, because he found that they had not got the activity and other qualifications that were necessary to make them efficient in the Fire Brigade. He now went to the Mercantile Marine to obtain the men that he required. It was thus impossible to suppose that we had such seamen as we could desire, and a change was absolutely necessary. They trained their boys for the Navy, and they had a force of 18,500 trained seamen; but there were only some 4,270 men who had had four and a-half years' service at sea, and 2,603 who had had seven and a-half years' service; whilst there were only 1,816 who had had 10 years' service. That was a small proportion to rely upon, and it was for that reason that he had given Notice to call attention to the desirability of having additional cruisers built or bought—for it did not much matter which—for the purpose of attaching to each squadron cruising ships, in which, when the iron-clads were in harbour for re-fittings, or when their service at sea was unnecessary and expensive, to put a proportion of the crews on board, and so gain for them that activity and that daring which was only obtained by constant exercise aloft. There was another question to which he would now call the attention of the House, and that was to the very few iron-clads that they now had for the defence of the country. In his opinion, an iron-clad was now what the line-of-battle ship was formerly. The naval power of a country was measured by its iron-clads. Although many of his hon. Friends would not agree with his views, he would call their attention to the idea on which iron-clads were first created. Some hon. Gentlemen were now of opinion that in creating an iron-clad they must create an impregnable movable castle. That was not his opinion. It was necessary that they should have large iron-clads to meet vessels like those Italy had produced, and such as the French possessed in the three largest ships of their Navy; but iron-clads were built originally because wooden ships were

exposed to shell which set fire to them, and the vessels were liable to destruction before they could make a sufficient impression on the enemy. This directed attention to the building of iron-clads. At present it was quite true that the power of the guns was much increased; but if they built their ships of a material that could not be set on fire, they could continue an action, and it was not to be supposed that they would not lose some men and ships, but they could prolong the engagement and bring it to a successful issue. He, therefore, desired not to urge on the Admiralty the construction of great and costly ships—ships costing £1,000,000 each—but a sufficient number of ships to maintain the peace and perform the duty of the old line-of-battle ships. What was the proportion that this country seemed to desire in former days? In 1793 the British line-of-battle-ship Fleet numbered 115, whilst France had 76, and Spain 65. The combined Fleets of France and Spain were more in number than the British Fleet; but the proportion was thought sufficient. It, at any rate, preserved the peace in 1790, although it did not do so in 1793. In 1790, when France and Spain were bent on war in the question regarding Nootka Sound, a large fleet was immediately commissioned, and an armament of 53 sail of the line brought France and Spain to terms without a declaration of war. In 1820 there was hardly a line-of-battle ship in the world that did not belong to England; our sail of the line surpassing in numbers the combined Fleets of all the other countries. In 1840 the relations of France and England were considerably strained after the successful attack on Acre; but the Fleet of England in the Mediterranean was increased by 17 sail of the line in a very short time, and the result was that France kept the peace. It was shown that a display of naval superiority might effect what a long and bloody war might fail to do. On the change from sailing line-of-battle ships to steam line-of-battle ships, France for a time took the lead; but in 1860, thanks especially to the patriotic protest of the late Prince Consort, an effort was made, and our superiority was re-established. Then came the era of iron-clads, which had replaced the old line-of-battle ship. At first our great private establishments seemed to leave us with-

out fears of any rival; but France emulated our activity, and in 1870, while Great Britain had 40 iron-clads, France had 31. At that time other Powers had hardly any iron-clads; but it must be borne in mind that now there were 266 iron-clads or more owned by Powers other than Great Britain. He would, however, use France otherwise than as the standard of comparison, and would remind the House that the present Secretary of State for War (Mr. Childers), in 1870, as recorded in *Hansard*, when he stated the numbers of the Fleets as 40 and 31 respectively, also said that, in order to maintain the relative supremacy of England, it would be necessary to build each year 12,000 tons of iron-clads—8,000 in the Royal Dockyards and 4,000 in private yards—that was, to produce three new iron-clads in each year, in order to keep pace with the shipbuilding then going on in France. The result of the last 10 years had been very different from that contemplated. France, after her great misfortune, was supposed to be devoting herself solely to the improvement of her Army, which was increased to 1,700,000 men, and it was thought she would not pay the same attention to her Navy. It was not, however, as they expected. They had now built or building in the English iron-clad Navy 58 or 59 ships, of which six were building. The French iron-clad Navy was 62 or 63, including 11 that were building. Thus, in numbers, it would be superior to our own, when those building were completed, and that was not a result that we could regard as satisfactory. If the proportion that they desired in 1870 was as three to four, it could not be advantageous to this country that that proportion should now be apparently equal. Subtracting the vessels that the French were building, they had 52 iron-clads, all but one in European waters, whilst, subtracting those that we were building, we had 53, not all in European waters, but in all parts of the world. It was, therefore, evident that in the Mediterranean, the Atlantic, and generally on the European coast, the French were in numbers greatly superior to us. But of the ships he had named belonging to the British Navy, one was at Melbourne, two at Bombay, one at Hong Kong, two at Bermuda, and four in China, the Pacific, and Australia. Those 10, then, must be deducted from

the force available for the Atlantic and Mediterranean, leaving 48 or 49 in Europe, of which six were building, to compare with 63 French, of which 11 were building. It might be said that a majority of the French ships were wooden ships iron-armoured, and that we preferred iron and steel. It was asked—Were the French ships of a character and quality that were dangerous to England? And, in looking at that question, he would remind the House of what had recently occurred in the Tunis affair. Perhaps the country generally were unaware of the fact that by a stroke of the pen, as it were, 10 sail of iron-clads appeared off the harbour of Sfax on a recent occasion, whereas we had only six iron-clads in the Mediterranean; and, however powerful and effectual these might be for the services they might be called on to perform, the House would remember that ships of that kind or any other kind could not be in two places at once. An hon. Friend of his who had visited Brest Harbour had informed him that he had seen there 31 iron-clads fitted with the newest artillery and mitrailleuses. He did not deny that steel and iron ships were preferable to some of these vessels, which, it might be said, were of wood and iron, and such as this country would not be satisfied to rely upon. But it must be remembered that we had in our Navy wood and iron ships which were returned as perfectly good and efficient vessels—the *Lord Warden* and the *Repulse*, for instance, which were built before, at least, 20 of the ships in Brest Harbour. The French had increased their Navy very much more rapidly than England during the last 10 years. Instead of having built 120,000 tons in the course of 10 years, as was stated to be necessary in 1870, England had only built 96,000 tons. Therefore, although it was evident that France had increased her Navy rapidly in the course of the last 12 years, this country had built ships in nothing like the proportion suggested as being necessary by the Secretary of State for War in 1870. He (Sir John Hay) suggested that instead of building six ships at the present time we should be building 18, in order to keep pace with the rate of building in France, which had, during the time he had referred to, more than doubled. Moreover, all the other Euro-

Sir John Hay

pean Powers had added to their maritime strength, and there were, in addition to the iron-clads possessed by England, a total of 266 iron-clads belonging to the various Powers of the world; and he contended that these must, of necessity, be taken into consideration in deciding the number of iron-clad vessels which this country ought to possess for the maintenance of her naval superiority. He was not of opinion that shipbuilding should be confined to our Dockyards, which ought to be particularly utilized for the purpose of repairs; but that it should be distributed amongst the mercantile shipbuilding yards of the Clyde, the Tyne, the Humber, the Mersey, and the Thames, the resources of which were sufficient to turn out from two to three iron-clads each within the time necessary for their construction. Now, it was admitted that it was impossible to maintain the Navy in a state of completeness without spending £12,500,000 upon it annually; but, notwithstanding this acknowledged fact, we had now cut that amount down to £10,000,000. On the whole, therefore, during the last 10 years we had spent £15,000,000 too little on the Navy, except in that year when the late First Lord of the Admiralty (Mr. W. H. Smith) bought the ready-made iron-clads, which alone saved the country from occupying a naval position inferior to that of France. He trusted the House would forgive him for having endeavoured to make clear the absolute necessity which existed for maintaining the superiority of the British Navy; and he appealed to the First Lord of the Admiralty to make an effort in that direction, which, if the facts were as he had stated, he felt sure the country would willingly respond to.

SIR THOMAS BRASSEY said, he had been asked to reply on behalf of the Admiralty to the observations which had been addressed to the House by the hon. Member for Penryn (Mr. Jenkins); and he trusted that it would not be thought that the important statement which had been made was treated with any disrespect in consequence. With reference to the speech which had fallen from his right hon. and gallant Friend (Sir John Hay), he should leave that to be dealt with, when the general Shipbuilding Vote was reached, by his hon. Friend the Secretary to the Admiralty. He would, however, say a word or two with

reference to the *personnel* of the Navy. His right hon. and gallant Friend had not expressed all the confidence which he had hoped he entertained in the Naval Service of the present day, and seemed, to some extent, to question the seamanship of the men, quoting in support of that view an opinion expressed by Captain Shaw, the Superintendent of the London Fire Brigade, to which he (Sir Thomas Brassey) offered the opinion of another gallant officer who had come fresh from his command, and who spoke in the highest terms of the seamen of the Fleet. With reference to the Royal Naval Reserve, the right hon. and gallant Gentleman opposite seemed to question its efficiency; but, from reliable information in the possession of the Admiralty, he (Sir Thomas Brassey) was in a position to state that the Royal Naval Reserve was never in a more efficient condition than at the present time. He believed there had never been so little difficulty in keeping up the number of the Force. So far from there being any difficulty in this respect, they had recently had applications for the enrolment of men in excess of the number provided for in the Votes, and they heard there were men applying for admission whom it was a great disappointment to the recruiting officers to reject, on account of the exceptional qualifications which they possessed. He might also state the Liverpool Committee of Shipowners and Masters, who for many years had been watching attentively the position of merchant seamen, had recently dissolved, because they were sensible of the great improvement which had taken place in that respect. He would also remind the House that the facilities for training seamen were now brought to a degree of development and efficiency which had never been reached in former years. They had heard, on a recent occasion, of the great prosperity which, at the present time, was attendant upon the shipping enterprise of the country; and those who were anxious for the maintenance of seamanship in the Merchant Service must learn with satisfaction that the owners of ships were now finding the investment of their money more remunerative in sailing ships than in steam vessels. In turning to the speech of the hon. Member for Penryn (Mr. Jenkins), it was not necessary to trouble the House with any lengthy observa-

tions on that subject, nor was it for him (Sir Thomas Brassey) to vindicate the conduct of the late Board of Admiralty in selecting the *Atalanta* as a training ship. The House was aware that naval opinions were strongly in favour of training our seamen in sailing ships, and the officers of the Navy were, in this matter, not singular in their views; because, in the Mercantile Marine, experience in sailing ships was held to be indispensable to the production of a seaman. That principle having been accepted, the next question was this—Was the *Atalanta* a suitable ship for the Service? On that point it was sufficient to observe that, when formerly in commission, she held the character of being a buoyant and stable vessel in bad weather. In accordance with the duty which devolved on the present Board of Admiralty, a Committee was appointed to inquire into the matter, and it was determined that its investigations should be of the most searching and impartial character. The Committee was fairly constituted, and combined both naval and other elements. The inquiry was most exhaustive, and the Report was signed by every Member of the Committee. It was to the effect that the *Atalanta* was a sound and stable ship, well-manned and well-equipped. With such a Report as that before them, the Board of Admiralty had not felt themselves called upon either to punish or to censure any officers, whether professional or executive, who were responsible for the selection and the equipment of the vessel. The heavy expenditure on repairs to the vessel had been sharply criticized, and it must be admitted that if such an outlay could have been anticipated, it would have been preferable to have built a new ship. There was a great discrepancy between the original estimate and the final statement of the cost of repairs, which amounted altogether to £28,000, the original revised estimate having been £16,000. But, on the other hand, it was stated on the part of the shipbuilding department that a vessel of the same type could not have been built at a less cost than £36,000. This would apply to the argument of the hon. Member for Penryn, that a new ship might, perhaps, have been constructed at a less cost than the amount of repairs. The liability to great and unforeseen expenses was doubtless an objection to fitting out any old wooden ship for re-

Sir Thomas Brassey

newed service at sea. In the case of the *Atalanta* the expenditure was distributed over a lengthened period. It was divided between three Dockyards, and no single individual was responsible for what had occurred. He would not hazard a conjecture as to the cause of the loss of the *Atalanta*. It was certain that the vessel had encountered a hurricane of extraordinary severity; and seamen well knew how fearfully the ordinary phenomena of bad weather were intensified in those great tempests which were encountered only at intervals of years. He need not pursue further the painful subject of the loss of the *Atalanta*. Before passing to other topics, he would take the opportunity of expressing on behalf of the Admiralty and the nation their sincere and heartfelt sympathy with the widows and the orphans who had been left desolate by the disaster. He now turned to the general subject of the training of seamen; and as regarded that no hon. Member was more entitled than his hon. Friend to address the House on the subject. He spoke with the experience of a successful shipowner and a former commander of merchant ships. The Navy would value the opinion of a seaman who had received his training in what he might call the Sister Service. His hon. Friend had said that he shared the general opinion that the art of handling a ship under canvas was a valuable, if not an essential, part of a naval education. At the same time, he recognized the importance of steam in combination with canvas as an additional guarantee for safety. Such being the views of his hon. Friend, he claimed his general approval for the ships, in which the majority of their seamen were now serving. They had at present in commission one large frigate, the *Inconstant*, and 19 corvettes, some of which far exceeded in size and power the frigates of former days. They had 13 sloops, and one sailing sloop, the *Cruiser*, which was doing excellent work in the Mediterranean. He was giving expression to his personal opinion when he said that he hoped that another vessel like the *Cruiser* might hereafter be added to the Mediterranean Squadron. We had also five brigs, which were most useful for training purposes, attached to the home ports. On the last occasion when the Board visited the Dockyards, they saw the squadron of brigs weigh anchor

in Plymouth Sound, and execute in admirable style a series of intricate evolutions under sail. The present Board were determined to keep up the seamanship of the British Navy in a manner worthy of its ancient reputation. They had fitted out a Flying Squadron, and transferred large numbers of seamen from the barracks at Sheerness and the receiving ships at the home ports to sea-going ships. They would take care to supply the Navy with ships which would be efficient under steam and sail. They would spare no pains to improve not only the ships but the system of training. They knew that they were watched by competent critics, and he thanked his hon. Friends the Members for Banff and Penryn for their interesting and suggestive speeches.

ADMIRAL EGERTON said, he was of opinion that no particular individual was responsible for the selection of the *Atalanta*, the whole Board being really responsible; and he had no doubt that the reasons which were put forward in favour of her selection were satisfactory to the Board in general. Remarks had been made with reference to the age of the vessel. As they all knew, there were old ships and old ships. One old one might be seaworthy, while a younger one might be utterly unseaworthy. He might illustrate that by recalling to mind the loss, some 20 years ago or so, of the ship that took Wolfe to Quebec. It was lost on the sands, and it was found, on examining her, that she was as sound as she possibly could be, although she must have been something like 104 years old. Everyone formed his own theory as to the cause of the loss of the *Atalanta*, and there certainly was nothing in the evidence to show that her age had anything to do with her loss. He was surprised to hear it said that Admiral Symonds objected to her; for he believed that any objections which he could have entertained against her were with regard to her equipment for such a purpose as that for which she was used. Sir Thomas Symonds was the son of her constructor; and, so far as his (Admiral Egerton's) recollection served, he did not think there was any vessel of which he was prouder. She sailed and was commanded in an admirable manner. That was the conclusion at which he had arrived after a careful study of the Blue Book on the subject. There was little

or no profit to be found, however, in further discussion of this painful subject, and he regretted that the memory of it had been revived. He wished to endorse the remarks of the right hon. and gallant Admiral opposite (Sir John Hay) with regard to the very great importance of increasing the number of their war ships. He had not investigated the question so fully as his right hon. and gallant Friend of the number of ships in course of building by foreign Powers; but while he would not like to say a single word which would cause a feeling of antagonism between this country and France, he felt bound to say that it was impossible to observe without some anxiety the large number of iron-clads which their neighbours across the Channel were constructing. As to the best type of ship to build, he would very much prefer that they should build a large number of smaller iron-clads, rather than that they should expend vast sums in building one or two very large ships. It might be necessary to have one or two great vessels; but he thought they should spend the money of the country to much greater advantage by building a large number of smaller ones with the proper amount of speed, rather than in building a few great ships. He was very anxious that the Admiralty should turn its attention more to the consideration of the armament of the Navy, for competent observers had put it on record that they were not in a satisfactory position in regard to the guns on our ships. A distinguished officer had said that the English guns were not equal to the guns on the vessels of some foreign Powers, and that that was the opinion of the foreign officers themselves. As to training ships, he agreed that they ought to use both steam and sailing vessels for the purpose, and there certainly ought to be some sailing ships on foreign stations. Such ships ought to have one or more tenders attached to them for the use of officers and men. With regard to expenditure, the new ships that were necessary to the efficiency of the Navy could not be built without considerable outlay; but he felt convinced that if it were only clearly shown that we were absolutely behind other nations as regarded the equipment of our Navy, no difficulty would be found in providing the money requisite to place it in its proper posi-

tion in relation to the Navies of the world.

Mr. MACLIVER said, he desired to press upon the Government the necessity of considering the claims of that deserving and important class, the naval engineers. On a former occasion, when the subject was before the House, the hon. Gentleman the Secretary to the Admiralty (Mr. Trevelyan) stated that the position of the naval engineers had been improved; but that was said under an evident misapprehension. So far from that being the case, they were no better off now than they were 20 years ago. In moving the Navy Estimates, the Secretary to the Admiralty stated that in future less blue-jackets and more artificers would be employed in the Dockyards; and that being so, he trusted that the position of the artificers, which, so far from being better, was really worse than it was formerly, would also be taken into favourable consideration. He wished also to call attention to the manner in which the grievances of naval officers were attended to at the Admiralty. It had been said that the Admiralty was always ready to meet the claims of those who felt aggrieved. On this point he had recently received a letter from an officer of long standing and great experience in the Navy, in which he said that if officers brought forward complaints, however well founded they might be, they would become marked men, not by the Civil Lords, but certainly by the Sea Lords of the Admiralty; and the writer went on to suggest that, as a remedy for such a state of things as now existed, the First Lord should appoint a certain time and place at which he would be prepared to receive officers and listen to their grievances.

SIR H. DRUMMOND WOLFF protested, in the strongest possible manner, against the way in which the Navy Estimates had been treated that year. They were brought on that day without a single Minister being present who was responsible for the Estimates. He had nothing to say adverse to the hon. Gentleman opposite (Mr. Trevelyan), who, either as Secretary to the Admiralty, as a speaker, a writer, or a politician, was a credit to the House and to the country; but the hon. Gentleman was not a responsible Minister. His complaint was that the First Lord of the Admiralty

was a Member of the Upper House, and that he had never opened his mouth about the Navy since he had held his present Office. In 1871, the right hon. Gentleman at the head of the Government stated that the two Ministers responsible for the two great spending Departments ought to be in that House; and in 1872, he said that the two principal Ministers who were responsible for those Departments ought to sit in the House of Commons. He (Sir H. Drummond Wolff) pointed out, however, that when sitting in the Lords, the First Lord of the Admiralty could not be responsible for the Estimates, and it was plain that the right hon. Gentleman did contemplate that the First Lord ought to be in that House. It was trifling with the House and with the country that these Estimates should be discussed before a Gentleman who, however able, was not responsible, and that the Ministers who were responsible were not there. The result of having the First Lord in the other House was that a host of petty tyrannies towards the Navy and the Dockyards might be brought forward, to which they could get no satisfactory reply. One act of tyranny to the Dockyards perpetrated by this invisible Board was in their stopping a quarter of an hour of the dinner time of the labourers. That put the men to a great deal of inconvenience, because, whereas before they were able to walk home and get their dinners, they were now no longer able to do so. The old navigating officers of the Fleet also complained of the way they had been treated. The warrant officers also complained that they were put on a lower rate of pay when working in the harbours than what they enjoyed when at sea; and many other grievances of artificers, Dockyard riggers, and others might be mentioned. With regard to the complaint that the First Lord would not see a deputation from that House because it was an interference with discipline, he maintained that it was no such thing, and that the engineers and Dockyard labourers had just as much right to have their views represented as any other class of electors in the country. He trusted that the hon. Gentleman the Secretary to the Admiralty would bring this matter before the particular Lord of the Admiralty, who would put it before the next Lord, who would

Admiral Egerton

place it before the First Lord, and that the grievances of the engineers would be remedied. He wished his hon. Friend would go into the complaints that came from the Dockyards. He would find that none of them were extravagant; but he would also find that a great many were reasonable, and that all of them were plausible, if the hon. Member had the opportunity of going into these matters as he (Sir H. Drummond Wolff) had when he visited his constituents. An hon. Member behind him reminded him that the crisis might soon come; but he was always happy to meet his constituents, and feared nothing as far as that was concerned. If the hon. Member (Mr. Trevelyan) only went into these matters, he (Sir H. Drummond Wolff) was sure he would find a great deal to redress. He trusted that in future years the Navy Estimates would be moved at an earlier period of the year, and that the day was at hand when the First Lord of the Admiralty would again be a Member of that House.

MR. PULESTON, in reference to the claims of the naval engineers, said, he considered them to be urgent and well-founded; and that any scheme for the improvement of their condition should also include those who were below them—namely, the engine-room artificers. With respect to what had been said as to the refusal of the First Lord of the Admiralty to receive a deputation of Members of the House in reference to the complaints of the naval engineers, the hon. Gentleman the Secretary to the Admiralty (Mr. Trevelyan) had spoken of the discipline of the Navy, and disapprovingly of the fact that officers had asked Members of Parliament to bring forward their grievances. But they were driven to do so, as they found, practically, that their complaints were otherwise unheeded. While he (Mr. Puleston) said that, he joined very cordially in what had been said by his hon. Friend (Sir H. Drummond Wolff) as to the courtesy and efficiency of the hon. Gentleman who held the Office of Secretary to the Admiralty and represented that Department in the House. It had been promised that the new scheme relating to the Royal Marines should be promulgated by the 1st of July; and, as it was not issued yet, there was some anxiety to know what it was to be. He had endeavoured, on more than one oc-

casion, to urge the desirability of getting rid of some of the glaring inequalities that existed in the Dockyards, and he had submitted plans by which that object might be attained. The distinctions, for example, between shipwrights, wheelwrights, and carpenters were so unnecessarily wide as to call for serious attention; and the labourers' question was a large one, particularly that raised by the hired men. The most important requirement was that more men should be put on the Establishment. Something was done by the late Government in that direction, and, to some extent, the factory hands were established. It was necessary to offer inducements to good men to remain in the Service. When they joined it they wanted to look forward to the future as being measurably provided for. In the absence of such provision, the law of supply and demand produced serious variations in the population of the Dockyard towns, which, in a large measure, were built up on the faith of Government. Then, with regard to pensions and to provisions for the widows and orphans of seamen, Admiral Gambier had shown that there were various funds in connection with the Admiralty, derived from fines and other sources, which, even without any help from the Treasury, and without any contributions by the men themselves, would constitute suitable provision for this purpose. The fact mentioned on a former occasion by the hon. Gentleman (Mr. Trevelyan), that only 3 per cent of the seamen who had been asked for their opinion upon a fund to which they should contribute had replied in the affirmative, was due mainly to the circumstance that no matured scheme was placed before them; and he (Mr. Puleston) believed that if a substantial and intelligent scheme were presented to them, showing that if they either contributed so much themselves, or authorized so much to be deducted from their pay, a fund would be made sufficient to provide adequate provision for their wives and children, the affirmative answers would be nearer 100 per cent than 3 per cent. He desired also to call attention to the arbitrary way in which officers were sometimes dismissed from the Service; and he would give as an instance the case of two officers in one of the Departments, the Medical Department, who, after serving, one in Stonehouse and the other in Plymouth,

for a year on trial, were confirmed in their appointments and then suddenly and summarily dismissed without any charge being made against them. They had, on the faith of their appointment by the Admiralty, gone to considerable expense in furnishing their houses, and establishing their families in what they regarded as a permanent position; and the only explanation they could get from the Admiralty was that the interests of the Service required their dismissal. Men dismissed under such circumstances, of course, lost their character, and would not be able to obtain other occupation, because they could give no reason for their dismissal, although their accounts had been declared by the Admiralty officials to be in perfect order. Such a system was injurious not only to the men, but to the country; and he hoped the hon. Gentleman (Mr. Trevelyan) would consider their case. At the least, compensation ought to be given them, and their characters vindicated, so that they might have a chance of obtaining other employment. Another matter of importance was the action of courts martial; and he would remind the hon. Gentleman of the case of Lieutenant Deacon, who, after 18 years of good service, was some time ago court-martialled on a charge of drunkenness at the mess, and convicted on the evidence of four officers, although four others declared that he was not drunk. One of the witnesses upon whose evidence mainly the officer was convicted, it was reported, had since been the subject of charges which showed, at least, that, if these statements were true, his evidence was of less value than it was assumed to be. He did not dispute the finding of the courts martial, nor question their ability and sincerity of purpose; but the sentence in this case had been unanimously declared by the papers throughout the country, including the Army and Navy papers, to be of unprecedented severity; and he again appealed to the hon. Member to allow the sentence to be reconsidered—not with a view to Lieutenant Deacon re-entering the Service, but in order in some way to lessen this unmerited disgrace. In conclusion, he would express his regret that when the Navy Estimates were about to be considered the House should be so empty as it was on this occasion, and that more interest was not taken in a

Service to which, more than to any other, the greatness of this country must be attributed.

Mr. BROADHURST said, he sincerely trusted that next Session the Navy Estimates would be brought on at a time when it would be possible to discuss the important matter raised by the speech of the hon. Member for Plymouth (Mr. Macliver). The engineers of the Royal Navy were still looked upon to a considerable extent as intruders; and the fact was not realized so much as it would have to be, that engineers would be the chief mainstay in the future of our fighting vessels. He hoped that any scheme which might be prepared would be a thorough one, dealing with the grievances in no niggardly manner, and placing the engineers in the position demanded by their importance in the Service.

Mr. H. ALLEN, as Member for Pembroke, also desired to enforce the arguments of the hon. Member for Plymouth (Mr. Macliver), and observed that the position and claims of the engineers were more and more forcing themselves on the attention of the public. With regard to the number of men on the Establishment, he believed that before metal was substituted for wood in the construction of ships, all the Dockyard *employés* were on the Establishment, and were entitled to superannuation allowance on retirement. But the system of hiring men was then introduced, and now in the Pembroke Dockyard only about one-third of the men employed were on the Establishment. Another grievance was that men of inferior grade were set to do superior work; and when they had passed their probation were not put into the superior grade, but were kept in their old position, and received the pay and pension belonging to the inferior grade. He hoped the hon. Gentleman would endeavour to remedy that grievance.

Mr. BIGGAR, who had a Motion on the Paper to move for a Select Committee to inquire into the claims of Mr. John Clare, patentee of iron shipbuilding, said, he was unable to move the Resolution; but he desired to call the attention of the House to the matter. The claims of Mr. Clare had been frequently placed before the House, and the reply had always been that this case was settled a very long time ago, and

that the Minister of the day was not disposed to re-open it. He (Mr. Biggar) did not think that was a sufficient answer; and he did not intend, if he could in any way avoid it, to accept a reply of that sort. He wished the Minister of the day, or some succeeding day, to meet the case on its merits, and to give a sufficient explanation, or such a decision, as would settle the question once for all. Though the case had been pending for a long time, his friend, Mr. Clare, had never allowed his claim entirely to collapse. Up to the time at which the claim arose, the principle on which iron vessels were built was with vertical columns from the keel, and then by what were called stringers from stem to stern of the vessel. After sustaining any strain, ships built in this way were liable to double up like a sheet of paper, and go down in deep water. Mr. Clare invented a new principle, somewhat resembling lattice girders. Whether Mr. Clare was the original patentee of this improved form of shipbuilding or not, there was no doubt that his plans were submitted to the Admiralty, and that the Admiralty was impressed by the desirability of the plans, and afterwards built vessels upon plans similar to his. So far all seemed very fair. Mr. Clare, however, made an application for compensation; and, in his (Mr. Biggar's) personal opinion, one reason why the claim was unsuccessful was this—that he expected to be paid at a very high rate. He expected to get a commission upon all vessels which had been built upon his plans, and on all vessels that might be built on these plans during the term of his patent. The result was that a controversy arose between the Admiralty and Mr. Clare. They set him at defiance, and gave him an opportunity of trying his case in a Court of Law. The result was unfavourable to Mr. Clare, for the reason that Mr. Scott Russell and Mr. Charles Fox gave evidence that his plans were not a novelty, but that vessels on the same plans had been previously built. Mr. Clare was convinced that that evidence was erroneous, and thought he could prove it. What he (Mr. Biggar) claimed was that a Select Committee should be appointed to inquire into Mr. Clare's case. He did not ask the Government to commit themselves to give any compensation; but he asked that they should not oppose the

appointment of a Committee next Session to investigate the claims, and, if they found they were not just, then there was an end of the whole matter. If the Committee recommended in Mr. Clare's favour, the Government would only be bound to take into consideration the nature of his claims.

MR. EDWARD CLARKE said, he had intended to say something with regard to the claims of the engineer officers; but it appeared that they were satisfied with the prospects held out by the Government, and they, no doubt, had good reason for believing that their case would be attended to. With regard to the warrant officers, the same observation would also apply. But two cases had occurred lately, one at Plymouth and the other at Devonport, where persons in the service of the Admiralty had been dismissed without being afforded any opportunity of making their complaints known or having them investigated. He should like to know why, in these two cases, no opportunity had been given to persons who, after many years' service in the Navy, had been deprived of their employment, of having an investigation into the circumstances of their dismissal. The particular case upon which he wished to say a few words was that of Lieutenant Deacon, who was dismissed from Her Majesty's Service in consequence of the finding of a court martial which sat upon an accusation of intoxication made against him. Now, he (Mr. Clarke) was very sensible of the difficulty of reviewing a decision of a court martial; and, of course, his own experience in Courts of Law had taught him to be very careful indeed in forming a judgment upon reading the proceedings of a trial as to what really took place. But he was bound to say deliberately, after reading the report of the evidence given at Lieutenant Deacon's court martial, that anything more unsatisfactory than the evidence which was given there he never remembered. Mr. Deacon was charged with intoxication, and the witnesses against him were persons who did not volunteer their accusations, but who had been spoken to before they were called to give evidence. In almost every case it was only under pressure that they expressed the opinion that Mr. Deacon was intoxicated. The particulars of the charge were certainly of a very remarkable cha-

racter, because the intoxication was alleged to have taken place at a time when Mr. Deacon was at dinner—he was, in fact, presiding at the dinner—he had given a toast, and had then ordered coffee, and had left the dinner; and, so far as one could see, there was no evidence of his having behaved in such a way as to lead anyone to believe that he was in a state of intoxication. So far as the evidence went, he (Mr. Clarke) was quite unable to find anything except an expression of opinion on the part of some persons that this gentleman was intoxicated, and it was upon evidence of that description that he was dismissed Her Majesty's Service. It was a matter of terrible importance to a man who, though not old, had spent several years in the Service; and he hoped the hon. Gentleman the Secretary to the Admiralty and the First Lord would give the case their re-consideration. If ever there was a case in which the finding of a court martial needed reviewing, he thought it must be that of Lieutenant Deacon.

MR. W. H. SMITH said, he should reserve any observations he might have to make upon the question of iron-clad ships until he had had an opportunity of hearing the statement of his hon. Friend the Secretary to the Admiralty (Mr. Trevelyan). The hon. Member for Penryn (Mr. Jenkins) had drawn attention to the case of the *Atalanta*; and although he (Mr. W. H. Smith) had not intended to address the House after the able statement made by the Civil Lord of the Admiralty (Sir Thomas Brassey), yet he thought it would be, on the whole, more fitting that he should now notice some of the statements made by the hon. Member. He had very generously acquitted himself (Mr. W. H. Smith) of any personal responsibility in the loss of that unfortunate ship; and he might take the opportunity of saying that no circumstance, except the loss of the *Eurydice*, occasioned him more deep sorrow during his administration of the Admiralty than did the loss of the *Atalanta*. It was a most deplorable occurrence, and entitled the relatives of the gallant men who sacrificed their lives to the sympathy and regard of the country. The hon. Member had referred to the Naval Lords being responsible for the selection of the ship. He (Mr. W. H. Smith), however, wished

to express his entire concurrence with the observations of the hon. and gallant Admiral the Member for East Derbyshire (Admiral Egerton), and to say that the Board as a Board were responsible for the selection of the *Atalanta*. Of necessity, in the distribution of business, the discharge of certain duties fell to one or another member of the Board; but the Board, as a whole, were responsible for everything that was done by them. The vessel was selected, not by himself or by his Board, but by the previous Board; and he believed they selected her with full knowledge of all the circumstances of the case, and that they were fully justified in their selection. She was a ship of good character and good reputation. She had been almost completely rebuilt at Pembroke, and so thoroughly and substantially refitted that, to the best of the belief of those competent to judge, she was in a perfectly sound condition when she left British shores. No doubts were expressed as to seaworthiness, and the gallant Admiral then commanding at Devonport in no way hinted that she was in the slightest degree an unsafe vessel. She was, in his opinion, too small to accommodate the seamen; but that was a mere expression of opinion with regard to size. The misfortune was deeply to be deplored; but he (Mr. W. H. Smith) was not on that account prepared to say that the endeavour to train seamen in sailing vessels must be a mistake. If it was, it was a mistake which was shared by the most experienced owners of steamships in the country. He believed that in some of the largest lines of steamships the owners made it a condition that their junior officers should have had a practical training on board purely sailing vessels. There was another fact which had been lost sight of. He believed that the Merchant Service was as well manned and the ships were as well found as at any period of its history. There was a great advance in the seaworthiness of their ships and the character of the sailors. Yet it was notorious that on the occasion which resulted in the loss of the *Atalanta* more than 20 ships foundered at sea, or, at any rate, had not been heard of, having been engulfed in the storms that prevailed then. He thought that circumstance alone pointed to a condition of things which might well account for the

Mr. Edward Clarke

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minute inquiry at the various ports of the country. He could only say, with regard to the shortening of the dinner hour in the Dockyards, that in the Dockyards, as elsewhere, the Factory Acts had to be observed; and that, it being necessary to make up in the course of the week five quarters of an hour taken from the working time of the boys subject to those Acts, various plans were considered, and it was ultimately decided to curtail the dinner hour in the manner of which the hon. Gentleman complained. At the same time, the Admiralty would be glad to adopt any better arrangements that could be suggested. With respect to the Royal Naval Engineers, they were the only branch of the Service that had not been dealt with in a comprehensive manner, and he would make a statement with regard to them in moving the Navy Estimates for next year. As for the delay in the promulgation of the scheme for the Royal Marines, he had to say that it was due only to the desire of the Admiralty to judge of the practical working of the corresponding scheme that had been prepared by the Secretary of State for War. It only remained for him to say a word on the case of Mr. Clare, which had been brought forward with great moderation, considering the long time it had been before the public. In June, 1855, Mr. Clare wrote to the Admiralty, stating that if buoyancy, strength, and resistance were the points required, he could produce a mode of construction which would produce greater efficiency than any yet adopted. For some time after that he laid his plans before the Admiralty, where they were carefully considered; and, after consultation with the professional officers, a reply was given. In September, 1853, Mr. Clare filed a patent for certain methods of fastening iron plates of iron-clads; and on the 13th July, 1855, the then Secretary to the Admiralty answered him that the Board was not prepared to entertain his suggestion, and in November of the same year wrote—"I have to acquaint you that we have no occasion for your services." This was done on the responsibility of the professional officers of the Admiralty. Mr. Clare was not willing to accept this answer, and in September, 1864, he sent in a bill for £6,571,740, the details of which he (Mr. Trevelyan) had

by him. He would only read the last three items—

"To loss by Admiralty for withholding payment from me since 1856, £2,000,000; to loss by Duke of Somerset nominating gentlemen to oppress, persecute, and swindle me of my property by perjury, £2,000,000; to the interference on behalf of the Duke of Somerset paying Captain Coles for 14 years for my inventions, £2,000,000."

This was followed by a printed paper entitled—"Clare *versus* The Queen; or, a Petition of Right *versus* a Petition of Wrong," which concluded by saying—

"If your Majesty will be pleased to say that a sum of money shall be paid on account, and a new trial take place, my case shall not only be proved quickly, but shall put every one of the Admiralty conspirators and perjured witnesses into gaol."

Up to this time he had relied upon the opinion of the professional officers, who positively declared that they gained no benefit whatever from Mr. Clare's services. But he did not put a great deal of store on what had up to then occurred: Mr. Clare took his case into the Queen's Bench, and filed a petition claiming £500,000 for the infringement of his patent. The Admiralty contested his claim, which was tried in February, 1863, at very great length; and the evidence of the Admiralty professional officers was supported by some of the ablest naval engineers of the day. Mr. Scott Russell stated that he had built many ships, and he produced the drawings of one built in 1850 identical in principle with the idea of Mr. Clare. "If you believe the Crown witnesses," said the Lord Chief Justice, "then there was no novelty in the invention, or there has been no infringement of it." Mr. Samuda, another witness, declared that for many years he had built ships on this principle. The opinion of the Lord Chief Justice was very strong. He characterized the claims to be the wildest and most extravagant he had ever known. Since that time Mr. Clare had never left the Admiralty alone, and his letters convinced him (Mr. Trevelyan) that he belonged to that class of men whom the Admiralty could not possibly have accepted as one of their professional officers. His claim before the Court of Queen's Bench was that he ought to have been engaged as constructor and shipbuilder for the Admiralty. He still wrote and signed himself—"Inventor, Patentee, Upholder,

Mr. Trevelyan

and Marine Ship Constructor of the State Navy since 1853," but sometimes only used the initials. The late First Lord of the Admiralty left it on record that it was clearly impossible to re-open the case. The verdict of a Court, presided over by one of the ablest Judges that ever sat in the Queen's Bench, had been taken; and he thought successive Boards of Admiralty were quite right in declining to re-open the question. It very often happened that a gentleman came to the Admiralty and made a sort of general proposition; and in subsequent years, when another gentleman did really make such a thing as was vaguely suggested, the first gentleman sent in a claim. The Admiralty was not ungenerous; but if inventors of real service to the country were to be rewarded, it was all the more necessary to refuse the claims of those whom the Admiralty professional officers pronounced to be of no service whatever.

PASSENGER ACTS—EMIGRANT SHIPS.

OBSERVATIONS.

MR. O'DONNELL, who had the following Notice on the Paper:—To call attention to the Report on Accommodation for Emigrants in Transatlantic Passenger Ships; and to move—

"That the grave abuses complained of by Miss O'Brien, and partly admitted by the Board of Trade, require a prompt legislative remedy."

said, he thought a great misapprehension had gone abroad with regard to the alleged failure of Miss O'Brien to make out her case. The substance of her complaint, he held, was made out beyond all doubt by the admissions of the Government Department itself. He also wished to call attention to the fact that the only evidence called at the inquiry was that of a character which ought to be looked at with healthy suspicion by the public at large. The Blue Book on the subject, laid before the House, consisted of a Minute by the President of the Board of Trade upon the conduct of his own officials, and of the evidence of the managers of a large number of Companies. Where none but the witnesses for the defence were heard, it was a triumph for the prosecution to see that practically these charges were proved, and that was the case with the

present inquiry. The emigration question was of great importance, as emigration was increasing; and they must not forget that the arrangements for emigration were more and more controlled by the circumstances of the great rush of Continental emigration. To Miss O'Brien was due the deep gratitude of Irishmen and Irishwomen, for the womanly courage with which she had come forward and made her statements, by which she had exposed herself to opprobrium and something very like insults on the part of the officials of the Government. It would be seen, by reference to the admissions of the right hon. Gentleman the President of the Board of Trade, that he practically admitted the truth of Miss O'Brien's statements. He admitted that provision ought to be made for keeping communications between the married and the single women separate; he agreed that the lavatory accommodation ought to be separate. The President also seemed to be disposed to agree that, if a certain number of women were carried, there should be a woman of position to act as matron, and that showed how well founded were the allegations made on the subject. It was stated that some of the Companies were very well arranged and managed; but the law was not made for the restraint of the well-behaved, but for the restraint of the ill-behaved. He (Mr. O'Donnell) very much regretted that the President of the Board of Trade had thought fit, in that statement, to indulge in a serious reflection against Miss O'Brien and against the poor, and he also regretted that he should put those reflections in a public document. It was admitted, by manager after manager, that it was practically impossible for the emigrants in a large number of ships to change their clothes, or to wash themselves from the beginning of the voyage to the end. Among those persons for whom the President of the Board of Trade had such unquestionable scorn, he chose to particularize in referring to workmen's garrets and hovels. He thought so eminent a democrat might have kept in the background such an expression. The answer, which had attended the inquiry, he was sorry to say, appeared to be re-echoed by the subordinates of the right hon. Gentleman, and especially was this found to be the case in Mr.

Gray, Assistant Secretary to the Board of Trade. Miss O'Brien had described the monster berths in which passengers were packed as "huge hammocks," in which men, women, and children lay side by side promiscuously. To a person like Miss O'Brien, not acquainted with the nomenclature on board emigrant ships, it was not unreasonable that those long trays of passengers, one above another, should look like "huge hammocks," or that the way the passengers were packed together should suggest something like "promiscuousness." In drawing upon the horrors of association with persons of dissolute morals and conversation, Miss O'Brien had asked if a shrinking girl-child of 11 years should strive "to rise and flee to save her soul," what could she do? In these monster berths, which were divided, the "pigeon-hole" sleepers could only get out head foremost or feet foremost; and, in cases of prostration or sickness, that must be a matter of some difficulty. But what was the interpretation put upon the supposition of a girl striving "to flee to save her soul" by the Assistant Secretary to the Board of Trade? What was the base, ignoble joke made of the innocent expression of this lady by Mr. Gray? Addressing each manager that came before him he asked—"Supposing that a girl-child—a shrinking girl-child—should strive, in Miss O'Brien's words, 'to flee to save her soul,' or to leave her berth for some natural purposes—." This was the base, ignoble jest of Mr. Gray. It was in the face of officials of this character that this spotless Irish lady had been compelled to fight on behalf of her countrywomen. Mr. Gray's "dirty joke" was repeated in every case. Such was the character and tribunal that had tried the case; and yet upon the evidence of this tribunal the right hon. Gentleman the President of the Board of Trade declared "that Miss O'Brien's case had completely broken down," that her statements had been thoroughly investigated by competent officials—like Mr. Gray—and that it was not too much to say that they had been entirely disproved. The fact was that, with regard to one particular ship, Miss O'Brien's case did break down, and she was the first to admit it; but the general charge of want of proper precautions in the trade at large was proved to demon-

stration. Undoubtedly, it was the case that men, women, and children were pigeon-holed in monster berths; and matters should be so arranged as to prevent any more serious consequences than lack of ventilation or suffocation. Miss O'Brien complained that the single women were not necessarily partitioned off from the married couples; thus, anyone who claimed marriage might, in reality, be an agent of infamy in New York, as had often happened when, owing to great pressure, the worst-managed Companies did a roaring trade in emigration. The Companies themselves could not be altogether blamed for this state of things, for the simple reason that the Passenger Acts did not compel them to separate the passengers as suggested. Yet it was said that Miss O'Brien's charges had been disproved. Owing to the fact that there was a common thoroughfare to the lavatories, available at night, indecent persons had the most dangerous facilities for carrying out their purposes. Miss O'Brien asked that there should be legal prohibition of such facilities. The present Acts did not provide for the separation of single men from single women on board, and that statement had been made by Mr. Montgomery, the representative of the Dominion Steamship Company, apparently to the surprise of the officials of the Board of Trade. It was urged that there was the steward's watch at night to preserve the passengers from molestation, but that officer was not allowed to examine the women's berths at night; thus, if a man entered these berths he was comparatively safe. Miss O'Brien had further complained that the women's berths, in many cases, had no fastenings from the inside, and urged that the provisions made by the best Companies should be made compulsory in all cases. The women were frequently unable to offer any resistance, as when they were prostrated by sea sickness. Passengers had no protection against the semi-sailors and semi-lubbers who did the unsailor-like work, and, practically, had the run of the whole vessel, and many complaints had been made against these men. He (Mr. O'Donnell) was not aware that immorality always followed where facilities for immorality were provided; but he maintained that emigrants had a right to be pro-

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tected against indecency as well as against immorality. Cases of immorality were not always made known, for the simple reason that such exposure would reflect upon the conduct of the Companies upon whose vessels they occurred. The minds of the heads of these Companies were so interested and so disposed, that even when grave charges were made they were at once led to take the view of their under officials. He (Mr. O'Donnell) could assure the right hon. Gentleman the President of the Board of Trade that, besides the people, the great mass of the Bishops and clergy of Ireland were most deeply interested in the matter, and most grateful to Miss O'Brien for her heroic efforts. A worthy Irish priest had sent him one or two extracts to which he would refer. He had an extract from a most popular newspaper, circulating amongst the classes that came out as steerage emigrants—namely, *Frank Leslie's Weekly*, which dealt with the misconduct and abuses that had occurred on the steamer *Hecla*. The evidence given before the Emigration Commissioners at Castle Gardens showed that the steward had been drunk during the entire passage, and had taken liberties with the female passengers as if it formed part of his duty. It was high time, the paper stated, that the owners and agents of these Linesteamers, who had a snobbish contempt for poor people of humble birth, should understand that America took a different view of the matter, and would enforce, so far as they were able, the better treatment of persons who came there to enjoy the freedom of that country and the equality guaranteed by her Constitution. A respectable Irishwoman, writing from her uncle's home in Boston to *The Boston Pilot*, one of the most respectable papers in any country, gave an account of her sufferings, and the insults to her and other women in a ship belonging to one of the best conducted Lines. She stated that on Sunday, the 20th September, she sailed from Queenstown (Ireland) on board the *Hecla*, and received the worst ill-treatment. The steerage passengers were packed together like cattle in a truck, and constant abuse and insult were offered to the female passengers. The steward especially was most insulting, and used the worst expressions towards them. They made several com-

plaints to the captain, and he told them that he would make it all right; but he never did. The females could not dress or undress during the voyage, or even wash themselves. Some of the gentlemen passengers complained to the captain of how the females were treated; but he gave them no satisfaction, but laughed in their face. The steward was drunk all the time. She never suffered so much in her life as she did during that voyage. He had also a letter from a gentleman connected with the Catholic University School, Stephen's Green, Dublin, dated May 10, 1881, in which he related particulars of a double visit he paid to America on board two ships which he mentioned. He did not go steerage; but he said it was a matter of common talk among the better class of passengers—the freedom and liberty the sailors permitted themselves among the young women of the steerage class. It was notorious among the passengers that gross acts of impropriety were committed by sailors towards the female passengers, and four females became insane during one voyage. He (Mr. O'Donnell) got another letter, mentioning the name of the ex-emigrant agent in Liverpool, who was prepared to give information in regard to the gross misconduct of sailors on board Atlantic steamers. Sailors were not only admitted to the female compartments, but actually outraged the passengers. To show that his (Mr. O'Donnell's) description of the hammocks was not in any way exaggerated, he might refer the House to the statements on the subject by Dr. De La Poer, the Medical Officer at Queenstown. The principal officer of the Board of Trade (Captain Wilson) was sent over from London, and he also practically admitted the whole substance of the charges made by Miss O'Brien against the present system. He (Mr. O'Donnell) contended that the fact that there were precautions taken on well-managed Lines furnished no argument against the necessity of altering the law so as to compel misconducted captains and sailors in charge of those ships to become well-conducted. Captain Wilson said that the longitudinal division between the berths, which was only from 6 to 10 inches high, was movable, and, as a matter of fact, was removed if a husband and wife with children were together, so that, when the mattress and

bedding were put in, the division practically did not exist. The berths all formed one long mattress. He contended that that was a colourable evasion even of the existing law, because the Passenger Act provided that, except in the case of married couples, every adult passenger should have a separate berth. The existing system was simply scandalous, and it was a wonder there were not more complaints. Although his statement had been necessarily brief, he had brought forward ample proofs from the admissions of the Board of Trade, the admissions of their officers, and in the absence of any impartial investigation, that though, of course, it was quite open for well-conducted Lines to conduct themselves well, it was also open for ill-conducted Lines to conduct themselves badly. He hoped a new spirit would be breathed into this administration, and that now that the Government were to take an official part in Irish emigration, they would not by a superficial examination, but a real determination, put an end for ever to the scandalous abuses which disgraced the present passenger traffic.

MR. A. MOORE said, the question was one of great importance, and he and others felt that, particularly now that the Government meant to promote emigration by Government means, it should engage their serious attention. He ought to say that Miss O'Brien's statements with regard to the *Germanic* were not fully borne out by some of the emigrants. He (Mr. Moore) had promised to abide by the verdict of the emigrants; and the moment it was received he conveyed his regret to the Company to which the ship belonged. He, however, felt, after having taken great interest in the question for some time past, and after having carried on a long correspondence respecting it, that Miss O'Brien had done a real service to the country by her disclosures. It was perfectly clear the law was in a most unsatisfactory state, and he could not imagine a more dishonest inquiry than that held by Mr. Gray at Liverpool. That gentleman went down to Liverpool with a preconceived view, which he was determined to prove, and every question he put was what lawyers called a "leading question." His report was the report of the permanent official whose dignity had been touched. It was wholly misleading, and was re-

plete with the most offensive, insolent vulgarity. Father Nugent was the only independent witness summoned, and what was his evidence? It amounted to this, 'that upon the first-class Lines from Liverpool to New York things were pretty well conducted. He told them that these Lines had separate inclosed berths for married couples, for single men, and for single women. But the point was that the law did not compel the Companies to provide these inclosed berths; it only stipulated that males above 14 should be separated from all other classes in the ship, and did not prevent married men or supposed married men sleeping in a room with unmarried women, no matter what their age. As at present framed, the law opened the door for every kind of abuse on inferior Lines. He held in his hand a report of the proceedings at the trial of the masters of a great many ships in New York. That would have been a mere futile ground for observation for the officials of the Board of Trade. The captains of these ships had been convicted for gross overcrowding. One of the first ships on the ocean, one belonging to the Inman Company, sailed from Queenstown 18 months ago with about 450 passengers more than the number she was entitled to carry, and instead of punishing such a gross scandal as it deserved, the Board of Trade let off the owner with an ample apology. When they had these direct proofs of overcrowding, it was necessary that they should look into the state of the law, and see that it was thoroughly reversed. He received a number of letters on this subject, some of a most atrocious kind, from dismissed agents and others, which he intended to pass over, and others from persons of undoubted respectability, disclosing a state of things which required the prompt intervention of the Legislature. He was sensible that, in bringing forward these complaints, they might possibly divert traffic from British ship-owners to foreign Lines. That would be a great calamity, because foreign Lines were managed in a most abominable way, and emigrants would not even have that protection which the present unsatisfactory state of the law afforded with respect to British vessels. The substance of the complaints he had received was that there was not proper separation for the sexes, and that young

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single women were attended by men. These men might enter the compartments of females at any time for the nominal purpose of attendance, when, perhaps, the poor young women were absolutely exhausted from sea sickness. He had received letters from females who travelled to America, complaining of the want of privacy in their compartments, and of the undue proximity of their berths to those of single and married men. The absence of medical assistance when required, and of the attendance of a stewardess, were also complained of by the young women whose letters he read. Referring to the advertisements published in London, inviting emigrants to travel by a Line which would convey them to New York at a rate considerably lower than that of the Liverpool Companies, he said it should be publicly known that emigrants beguiled by these solicitations were merely taken in small coasters to Antwerp, and there transhipped for New York in vessels of a most filthy description, which rendered life almost insupportable during the voyage. He had received a communication, in which the fullest credence could be placed, showing how a ship of this kind became a perfect pandæmonium after a certain hour in the evening. In the vessel to which the letter specially referred there were 430 passengers, some of whom were subjected to the roughest usage, and even kicked. The women on board were not given separate accommodation. He complained—first, that there was no legal obligation to enforce separation; second, that the Board of Trade had no legal control over the arrangements under which passengers were conveyed who left this country and were transhipped at a foreign port; and, third, that the Board of Trade had no control over the arrangements with regard to immigrants coming to this country. The horrors of the 48 hours' voyage from the Scandinavian and North German ports exceeded what was experienced in the long Atlantic voyage. The only satisfactory solution of the matter was to insist on the separation of the sexes. He did not think the shipowners would be hostile to such a regulation. Indeed, the Allan Line had for years carried out the system of separation, and would not now depart from it for the world. True, the male

and female passengers were on the same deck; but no man was permitted to enter the inclosed berth in which a woman was. A strong argument was that on board the Indian troopships the most absolute separation prevailed, and there was no sufficient reason why the same system should not be enforced in the ordinary emigrant-carrying traffic. It was also necessary—and he was glad that the Board of Trade supported them in this—that there should be some woman appointed to take charge of the female department. Perhaps the House was not aware that the emigrant traffic from Queenstown to New York paid the shipowners a great deal better than the first-class passengers. The total cost for each steerage passenger was not above £2, leaving a net profit of something like £4. A Protestant clergyman in the East End of London had told him that the question would never be settled until they got some religious ladies of the Catholic faith to take the work in hand voluntarily. The emigration to our Australian Colonies was conducted under admirable regulations, and in Melbourne there was an excellent house for the reception of emigrants. He trusted that some similar establishment would be provided at Queenstown. The sanitary arrangements were scandalous in almost every case; certainly some that he had seen on a White Star vessel seemed very satisfactory; but, for the most part, they were very much the reverse. The whole subject was one in which Irish Members felt a deep concern for the honour and happiness of a number of poor people. They thought that every protection ought to be afforded to emigrants going out to America in order to give them a fair chance of starting in life.

Mr. CHAMBERLAIN said, he would endeavour to lay aside all personal feelings in replying to the speeches of hon. Members, although he thought he might complain of the tone and temper of the hon. Member for Dungarvan (Mr. O'Donnell). He came to the consideration of the question with one feeling only—an earnest desire that, out of the discussion, the House might arrive at some practical conclusion as to what alterations, if any, were possible and desirable to secure the comfort and decency and morality of the emigrants. The hon. Member for Dungarvan had commented strongly on the persons who had conducted the inquiry

for the Board of Trade, and also on the evidence given. Mr. Gray was a trusted and valued officer of the Board of Trade, and was most impartial and disinterested in the matter, because there was no question of the conduct of the Board of Trade officers. As to the evidence, what other evidence was it possible to get? The first point to be decided was the actual system; and for that purpose Mr. Gray and Captain Wilson, accompanied by Miss O'Brien, personally examined some of the great Liners. Miss O'Brien was, of course, not present at the inquiry; but she was present at the personal inspection, and she coincided absolutely as to the statements made with reference to what was seen at that inspection. He agreed entirely with the hon. Member for Dungarvan as to the importance of the subject. It was important, in the first place, to the emigrants themselves; and it was also important to the owners of the great steamship Lines, whose character had been so seriously, and, as he thought, unjustly impugned. It had been said that the Board of Trade, to a great extent, had admitted the charges of Miss O'Brien, and that they had shown that by the recommendations they had made. Well, he did not wish to minimize those; but he must say they were not of urgent importance. After careful inquiry, it was recommended, in the first place, that there should be, what already existed in many cases, separate communication from the single women's and from the single men's quarters without going through each other's quarters. That was desirable; but he did not think it was so important that a different state of things necessarily contributed always to immorality. A common passage and a common staircase was the usual thing with all houses and hotels; and the idea that these emigrants, men and women, were not to be trusted to go upstairs together involved an accusation against the people concerned that he should be sorry to make. Then, the second recommendation was the possession of a sufficient number—an ample number—of lavatories and latreens; and, having expressed the strong opinion of the Board of Trade on this point, it would be carried out. Then, the third recommendation was that a matron should have charge of the women's quarters, and that was a sug-

Mr. Chamberlain

gestion that shipowners would do well to consider. On some Lines it had been adopted, and afterwards abandoned for reasons not connected with expense. It was always usual in long passages to select one or more of the women to act as matron during the voyage. The hon. Member for Dungarvan said Miss O'Brien's statements had been proved; but there he must differ from him; and then the hon. Member went on to observe that he (Mr. Chamberlain) had used scornful language with reference to Miss O'Brien, and that was a statement he must absolutely and utterly deny. He had treated Miss O'Brien throughout with the greatest respect—a respect to which her sex and her good intentions entitled her, though he could not but regret that, in making statements rashly without sufficient experience, she had done injustice to a respectable trade. The words he had used, and which the hon. Member had quoted, were—

“It might be doubted if Miss O'Brien had done full justice to the well-known character and virtue of her countrywomen,”

and he denied that there was anything in that of the nature of an expression of scorn to Miss O'Brien or the emigrant classes. If single women were berthed together—from 20 to 30 together—if all were virtuous and well disposed, or even if any were, it would be impossible that any immorality could take place. Miss O'Brien was certainly mistaken in many of the statements she had made, as she herself admitted. No such thing as a “monster hammock” existed in any of the emigration vessels that had been referred to by the hon. Member. There were separate compartments, in which trays one above another were placed at right angles to the vessel, these trays consisted of five or six berths; so that in a whole compartment it was possible to have 24 beds; but they were not in line as in a hammock. The mistake was perfectly unintentional on the part of Miss O'Brien, if she had admitted that she could not reconcile what she saw on the second occasion with what she thought she saw on the first. She had further stated that she had seen “a dark hole” resembling those on board slave ships. It was proved that there was no such hole; but that the decks were well lighted and ventilated, and the one referred to was subsequently used for cabin passengers. The charges in regard to

the misconduct of stewards and sailors were not, as far as he knew, possible of prevention; inasmuch as it would not be possible, by any legal proceeding, to prevent these persons from making their way into the quarters of unmarried women if they chose to do so. As far as overcrowding of emigrant ships was concerned, he could only say that that had already been legislated against; and if any complaint on the point was made, he should certainly take steps concerning it, as he should also if it was made known to him that in emigrant ships male servants were allowed to go into rooms occupied by women. Separation was possible, no doubt; but it could not be carried out without considerable difficulty and expense, and ought not to be attempted unless the legislation was made universal as far as all the emigrant-carrying Companies were concerned. He admitted that the Passengers Act might, with advantage, be amended in some particulars, and nothing would please him better than to bring in an amending Bill; but the conduct of the hon. Member for Dungarvan and his Colleagues had made such legislation rather difficult and left the time very short indeed, and a Government might be excused from undertaking such legislation when so many arrears were left unattended to.

LORD FREDERICK CAVENDISH said, after the statement made by the Prime Minister yesterday as to the hour at which Supply would be taken, he should not ask the House to go into Committee of Supply that night.

MR. JUSTIN M'CARTHY expressed his regret that the Government did not see their way to requiring the complete separation of the sexes on board emigrant ships, and said the time the Government had employed in passing Coercion Bills for Ireland would have been much better spent in legislating upon the question under discussion.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at Seven o'clock
till Monday next.

HOUSE OF LORDS,

Monday, 15th August, 1881.

MINUTES.]—*Sat First in Parliament*—The Earl of Harrington, after the death of his father.

PUBLIC BILLS—*First Reading*—National Debt * (213).

Third Reading—Erne Lough and River * (206), and passed.

DRAINAGE (IRELAND) PROVISIONAL ORDER BILL.—RESOLUTION.

LORD THURLOW moved—

“That the Order of the 1st day of April last, which limits the time for the Second Reading of any Bill brought from the House of Commons confirming any Provisional Order be dispensed with with respect to the said Bill.”

The noble Lord explained that the Bill was one of considerable interest and importance to a large number of persons in Ireland. The measure had reference to a district in the county of Cork. It was of a very useful character, and he hoped it would not be prevented from becoming law by reason of a technicality in the Formis of the House.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, he did not think he ever rose to do a more painful or unpleasant duty than the present. He had been for a great many years Chairman of the Committees of that House, and it was his duty in that Office to see that the Orders of the House with regard to private legislation were observed. He had never yet found any want of confidence in the decisions he had come to, and this was the first time in which, having expressed a decided opinion against a proceeding of this kind, that opinion had been overruled. One of the Standing Orders of the House was that no Bill confirming a Provisional Order should be read a second time if brought from the other House after the 16th of June; but this Bill was not read a first time in the House of Commons till the 21st of July, and if their Lordships allowed such an infraction of their Orders, those Orders were worth nothing at all, for nobody could rely on them. He had never shown any unwillingness to suspend the Orders when good reason had been shown; but here there was a deliberate insult to the House of Lords.

Everything was ready in the Office in Ireland by the 22nd of January, and the delay was simply owing to the negligence of the promoters to push it forward in due time.

EARL GRANVILLE entirely agreed with the observation of the noble Earl that the Orders of the House should be maintained; but could not accept the view that any insult to the noble Earl would be involved in a Resolution of their Lordships to suspend the Order for the public convenience. He was not acquainted with the details of the matter, and could not say why the Bill was not proceeded with at an earlier date. He could not help thinking that the observations of the noble Earl would expedite parties who were concerned in Private Bills. There was really no objection to this Bill. The object of it was good, and it was desirable that it should be passed this Session. He thought they might suspend the Order in this exceptional case. To do so would cast no reflection on the Office of the noble Earl.

THE MARQUESS OF SALISBURY said, he felt that the noble Earl had done his duty by calling attention to this matter. Unless the Order was maintained, there was very little chance of it meeting with any respect hereafter. These Orders were often a security against private rights being invaded by the action of Provisional Orders, and if the noble Earl went to a division he should support him. But, while saying that, he admitted that there was in this case some ground why they should take an indulgent view; and, as there was no opposition to the Bill, he would advise the noble Earl not to press his objection.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, he could not accept the advice which had been given him, because if he did it would go forth that their Orders were of no use. If this were a small case he would not press his objection. This Bill was ready on the 22nd of January; but the promoters had thought proper not to push the Bill forward. If the Motion were agreed to there would be an end of their Standing Orders.

LORD THURLOW desired to assure their Lordships that nothing had been done which was prejudicial to the dignity or the Office of the noble Chairman of Committees. There had been an unfor-

tunate delay; but he might observe that two Bills analogous to the present were brought in last year in the month of August, and were passed into law.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, that the fact just mentioned showed that he was not unwilling in proper cases to have the Standing Orders suspended. The circumstances of last Session were very exceptional indeed. Everything was very late. As he believed it to be necessary that the Standing Orders should be obeyed, he should divide against the Motion.

On question? Their Lordships divided:—Contents 29; Not-Contents 31: Majority 2.

CONTENTS.

Selborne, L. (<i>L. Chancellor.</i>)	Breadalbane, L. (<i>E. Breadalbane.</i>)
	De Mauley, L.
Ailesbury, M.	Denman, L.
	Fingall, L. (<i>E. Fingall.</i>)
Camperdown, E.	Kenmare, L. (<i>E. Kenmare.</i>)
Granville, E.	Kenry, L. (<i>E. Dunrobin and Mount-Earl.</i>)
Kimberley, E.	Monson, L. [<i>Teller.</i>]
Minto, E.	Ramsay, L. (<i>E. Dalhousie.</i>)
Morley, E.	Rosebery, L. (<i>E. Rosebery.</i>)
Northbrook, E.	Sandhurst, L.
Spencer, E.	Stanley of Alderley, L.
Sydney, E.	Straford, L. (<i>V. Esfeld.</i>)
Exeter, L. Bp.	Talbot de Malahide, L.
Amphill, L.	Thurlow, L.
Boyle, L. (<i>E. Cork and Orrery.</i>) [<i>Teller.</i>]	Wrottesley, L.
Braye, L.	

NOT-CONTENTS.

Somerset, D.	Borthwick, L.
	Colchester, L.
Salisbury, M.	Ellenborough, L.
Winchester, M.	Elphinstone, L.
	Foxford, L. (<i>E. Lime-riek.</i>)
Cairns, E.	Harlech, L.
Devon, E.	Lamington, L.
Fortescue, E.	Oranmore and Browne, L.
Harrington, E.	Rowton, L.
Ilchester, E.	Silchester, L. (<i>E. Longford.</i>)
Lathom, E.	Stratheden and Campbell, L.
Redesdale, E. [<i>Teller.</i>]	Strathpey, L. (<i>E. Seafield.</i>) [<i>Teller.</i>]
Hawarden, V.	Ventry, L.
Melville, V.	Wavemy, L.
Sidmouth, V.	Wynford, L.
St. Albans, L. Bp.	
Alington, L.	
Bateman, L.	

Resolved in the negative.

The Earl of Redesdale

PATRIOTIC FUND BILL.

Commons Amendments *considered* (according to Order), and *agreed to*.

In reply to Viscount SIDMOUTH,

THE EARL OF NORTHBROOK said, there was a sufficient fund at the disposal of the Commissioners, supplemented as it would be from other funds that were available, to render it unnecessary that an appeal should be made to the public for subscriptions for the widows and orphans of the sufferers by the loss of the *Doterel*, and he hoped that other similar cases would also be met in the same manner in future.

CEYLON — ECCLESIASTICAL SUBSIDIES.

QUESTION. OBSERVATIONS.

LORD STANLEY OF ALDERLEY, in rising to call the attention of the House to the correspondence relative to ecclesiastical subsidies in Ceylon; and to ask the Secretary of State for the Colonies for explanations of his despatches of 19th November 1880, and 14th June, said, he desired to call their Lordships' attention to the Correspondence recently laid before Parliament on the ecclesiastical subsidies in Ceylon. This Correspondence referred to two subjects which were distinct—namely, the maintenance of the Bishop of Colombo and his clergy, and the maintenance of the Reformed Church at Wolfendahl. With regard to the Bishop, he should say nothing of the intrinsic merits of the Bishop of Colombo, because it would weaken the line of argument he was going to take, because he had better leave that to other noble Lords and to the right rev. Bench, and because he was bound to believe that the only grounds of action of the Secretary of State for the Colonies were those stated in paragraph No. 2 of his despatch of November 19 of last year—namely, the small number of persons supposed to be benefited out of the general taxation of Ceylon. For the Secretary of State this was, therefore, a question of population, and if the population of Ceylon were limited to the 250,000 Christians, of whom 190,000 were Roman Catholics, the inequality which had moved the Secretary of State would be great; but as there were 2,150,000 non-Christian inhabitants of the Island, other considerations must be taken into account.

According to the figures adopted by the Secretary of State's despatch, there were some 470,000 Hindoos in Ceylon. He proposed to eliminate these altogether from the discussion, because most of these were poor Coolies employed on the coffee plantations, and were, for the most part, only temporary sojourners in Ceylon, and were not affected by taxation. Those who belonged to the few Hindoo temples in Ceylon might be classed with the Buddhists. Now, the 1,500,000 Buddhists and the 180,000 Mussulmans of Ceylon would be equally dismayed and alarmed for the property held by themselves as religious communities when they found the Government disendowing its own religion; and there were indications in this Correspondence that the temple lands of the Buddhists were threatened with attack and spoliation, or with new taxation, which would have the same effect. As to the Mussulmans, it was to them but a very slight grievance, if it were a grievance at all, that some portion of the public money derived from general taxation should go to the maintenance of a representative of the religion of the State; but it would be a great grievance to them to be subjected to a State and a Government without any religion, such as the English Government would appear to be if the policy of these despatches were carried out. He could not conceive any greater humiliation for the Mussulmans than to be under a Government which had discarded religion and its ministers, and which hung out the colours of infidelity, or, as it was now called, agnosticism. In the meantime, this grievance was as nothing compared to that from which the Mussulmans of Ceylon were actually suffering. Though they were from 170,000 to 180,000 in number, and were the most intelligent, active, and wealthy of the Native communities, they still had no representative in the Legislative Council. He hoped that the regard for equality of the noble Earl would induce him to remedy this before long. So far he had spoken on general principles; but to come to particulars, the Mussulmans in Ceylon often spoke to him of the Bishop of Colombo, but they never said anything against him or his office; and, though this subject had probably been discussed in the local newspapers, it had not been alluded to in the letters

he had received from that Island. He might say much the same as to the Buddhists; although it appeared to be inconsistent with their tenets, yet they were much attached to public worship, and would think ill of a Government which discouraged it. The most ancient mosque in Ceylon was originally built on temple land, which was leased by the Buddhist priests to the Mussulmans; and when they found that the building erected by them was dedicated to public worship the Buddhist priests refused to take the money reserved as rent for the land. The Governor of Ceylon, Sir James Longden, wrote to the Secretary of State to the effect that the ecclesiastical subsidies might be withdrawn in Ceylon because the circumstances were different from those in Trinidad, where he had opposed such a measure. He thought that the difference was, however, all against the policy of the noble Earl, for in Trinidad less scandal would be caused than in Ceylon, where the exemplary demeanour and learning of the Buddhist priests made it the more essential that a State professing to be Christian should not desert the field. If the Government persisted in the course laid down in these despatches, it would be more easy to believe that it was indifferent and hostile to religion than to believe the excuses on account of economy or of equality put forward in this Correspondence. He trusted that the noble Earl would reconsider his decision, even though he should reduce the stipend of the Bishop and reduce the number of the clergy who were now supported by the Government of Ceylon, and that he would not sever the connection between Church and State, and throw to the Bishop a freedom which he did not require, or, as the noble Earl's despatch worded it, "relieve him from all State interference." At the same time, in order to satisfy those feelings which were raised by consideration of the statistics of the population, some assistance might well be granted to the Portuguese, who, in general, were not as wealthy as the other classes of the Christians. It appeared from the Correspondence that the Dutch Reformed Church willingly joined the Church of England, and rallied to that Church in 1796, and had shown no signs of wishing to separate from it. As for the unofficial Members of the Legislative Council who had

raised this question, and who, in a heathen and idolatrous country, had called upon the Government to withdraw its countenance and support from the established ministers of religion, the more fitting attitude for the Government towards them would be that which was adopted by His Majesty's Ambassador at Constantinople some 200 years ago, who, when the Quaker persisted in keeping on his hat before him, said the Turks were right, and that the man must be mad. The Government of Ceylon might get over the difficulty caused by the steps taken and related in this Correspondence by making grants of some of the land still at the disposal of the Government to the different Churches. The case of the Church of Wolfendahl, belonging to the Reformed Dutch Church of Colombo, stood upon a different ground. The decision of the Secretary of State, in his despatch of June 14, was open to all the objections which might be made to his decision against the Bishop of Colombo; but, besides that, it was a distinct violation of the engagements of the British Government at the time of the capitulation of the Dutch in 1796. It appeared to be only a quibble to endeavour to evade that engagement by saying that the Dutch clergy voluntarily left Ceylon in 1806. The Dutch settlers did not leave, and were now there, and were known as Burghers. They required and had a claim to the stipends stipulated for their clergy in 1796, and it made no difference to them whether the original clergy left voluntarily or had all died of an epidemic. Least of any could our Government afford to disregard and break its Treaty engagements; and, even if the Secretary of State attached any value to this quibble of the Law Officers, the matter in dispute was too trifling to make it advisable to risk the opposite view which was taken by the Dutch Burghers. This was not the only Colony in which Treaty obligations had been set aside and disregarded and hostile comment provoked on the part of the former countrymen of the Colonists whose rights had been set aside.

THE ARCHBISHOP OF CANTERBURY said, it was important that they should know whether the disendowment referred to by the noble Lord had been effected, and, if it had not, whether there was time for consideration. It

could hardly be considered as actually done; because, so far as he knew, there was a Legislative Body in Ceylon, and the only record they had of the opinion of that body was to the effect that it ought not to be done. The Secretary of State, in his despatches, seemed to contemplate that the thing would be done. He presumed it would be done by votes, in obedience to orders from head-quarters. The objections raised to the proposal were, first, that it was a violation of Treaty obligations; and, secondly, that it was inexpedient in itself. As to its being in violation of Treaty obligations, that, at all events, was a very important matter, and it had, probably, been considered by the Law Officers of the Crown. There was a Proclamation following the Treaty, which, to uninstructed persons, seemed to be an acknowledgment of the obligation of maintaining the Christian religion on the part of the Government which succeeded the occupation of the Dutch. At the time of the cession of Ceylon by the Dutch there were two great religions in the Island—one the original Buddhist religion, professed by the great majority of the inhabitants, the other the Christian religion, professed by a large body. At that time the Government issued a Proclamation, stating that both those religions should retain the rights ceded to them by the Dutch Government. But it was said that instead of one body of Christians in the Island there were now several; and, no doubt, there was a temptation to apply to Ceylon the principles which had been applied in other places where there were different Christian denominations. But when they considered the Papers they would find that not even all the congregations of the Church of England were subsidized. Some successors of the old Dutch congregations continued to receive those stipends, and they were under the Bishop of Ceylon, although they were, by descent, the representatives of the old Dutch Presbyterian congregations. Many of their ministers were actually persons whose ancestors were of those Dutch Christians, or belonged to the Native Churches which grew up under Dutch protection. Now, the question was raised—Why give the subsidy to the Church of England and not to the other bodies? It was a sufficient answer to

this to say there was a large heathen population, consisting also of various bodies. The most important was the Buddhist, which received this subsidy; but there were other heathen denominations existing throughout the country who received no subsidy. To those who said that the Buddhist body should be disendowed as well as the Christians the answer was plain—if you promised a sum of money to one person it was no reason he should not get it because other persons to whom you made no such promise got none. The noble Lord said that the Buddhists were not endowed; but they were secured by the Government one-third of the landed property of the whole country. Not only so; but in the cultivation of this land they were secured from taxes which fell on all the other inhabitants of the Island. That, of course, increased the incidence of taxation on the other inhabitants; and, therefore, the Buddhists were practically endowed with a large sum of money. If they endeavoured to disendow the Buddhist body they would lose possession of the Island, because one-third of the land was in their possession, and they constituted an overwhelming majority of the population. Consequently, it would be dangerous to tamper with the rights secured to them by Treaty. Now, he was surprised that some of those who were so eager against endowments of all kinds should be discontented with endowing their Christian brethren in Ceylon, while they were bound to maintain so very large an endowment of a heathen religion. The case of Jamaica was not analogous to the present, because in Jamaica no heathen religion received large amounts of public money. It would, besides, be highly undesirable to show in Ceylon our readiness to shake off all recognition of the Christian religion on the part of the State, especially as the Proclamation at the cession of the Island made such loud declarations that the Christian religion, which the Dutch had left in a flourishing condition, was to be maintained by the Government that succeeded them. The course pursued in a good many instances by the Colonial Office lately, of disestablishing and disendowing Churches, was one which, to say the least, required to be taken with caution. It was now proposed to sweep away the corporation sole created by

Letters Patent in the Bishopric of Colombo. This experiment ought, in his judgment, to be made with great caution. It was in the power of the Crown to create corporations; but it was not quite clear that the Crown could by its own act supersede them. The gravest complications as to property had been introduced in various Colonies by the off-hand way in which the Colonial Office had dealt with these matters. A serious law-suit had recently arisen with reference to property at Grahamstown, in the Cape Colony; and a very important question would have to be decided before long by the Privy Council as to whether the corporation of the Bishopric of Grahamstown was still in existence, although the Crown had, for the time, failed to appoint anyone to occupy the corporation. The result at present was complete confusion as to all property connected with this matter. So in Ceylon the same difficulties might arise which had occurred in other Colonies, where the seeds of many law-suits had been sown by the way in which this matter had been dealt with. Therefore, although he did not expect the noble Earl to alter his views on the subject, he hoped he would not fail to give full consideration to the difficulties that might arise from the course he was about to adopt.

THE EARL OF KIMBERLEY said, he was not prepared to admit, in the slightest degree, that the action of the Colonial Office, either in that or the other matters referred to, had been either rash or hasty. The decision affecting the Cape Bishopric to which the most rev. Prelate referred took place many years ago, before he was in the Office which he now had the honour to hold; and the effect of it, as far as he remembered, was that the Letters Patent could not be legally maintained. He could not admit the truth of the allegation that the action of the Colonial Office had sown the seeds of many legal disputes in regard to ecclesiastical matters in the Colonies. The Colonial Office had, in all these instances, advised that a statute should be passed in each Colony to enable the disendowed Churches to transact their work and to hold property. He agreed, indeed, with the most rev. Prelate that it would be a great hardship and a scandal to the Church if measures were not taken to enable the

Church to administer its affairs in a satisfactory manner. With regard to the particular question now before the House, he must point out that the most rev. Prelate had spoken of the Buddhist endowment as if it were the same thing as the endowment which was about to be done away with. The Buddhists in Ceylon had possessed, from very ancient times, large tracts of land, which were known as temple lands, while the very small endowment which was now given to the Anglican and the Presbyterian Churches came directly out of the taxation of the Island, and was paid by the Government. With regard to any lands which the Church possessed, it was distinctly provided in a despatch, which he wrote on the subject, that there was to be no interference.

THE ARCHBISHOP OF CANTERBURY inquired whether such lands were free from taxation?

THE EARL OF KIMBERLEY said, he did not know; but he did not think that because they were bound by Treaty to respect the privileges of the Buddhists, therefore they were bound, for all time, to extend the same privileges to other religions. This was a question, not of Christianity, but of a variety of Christian denominations. There were in Ceylon large numbers of Buddhists, Mahomedans, and Hindoos, a considerable number of Roman Catholics, and a handful of Anglicans and Presbyterians. They endowed this handful of Anglicans and Presbyterians; but they totally disregarded the claims of the Roman Catholics, Mahomedans, and Hindoos. Such an injustice could not possibly be defended. When he held Office before this question came up for consideration, and some persons at that time desired that a change should be made; but nothing was done, because it did not appear that there was any feeling in Ceylon in favour of the change. Since then, however, a strong feeling had been expressed by a considerable number of persons in Ceylon that these endowments should be put an end to. Therefore, he thought, the time had come when the change might be made, not rashly, but after the consideration of many years. There were nearly 250,000 Christians in Ceylon. Of these, 190,000 were Roman Catholics, and 45,000 belonged to unassisted Protestant denominations, leaving only

15,000 Anglicans and Presbyterians, who received a State contribution of £10,000 a-year. If the endowment of the latter was continued, could it possibly be maintained that the Roman Catholics ought to receive nothing? If there were Treaty obligations requiring them to keep up this endowment, he should have considered that they were absolutely bound either to continue it or to give a sum of money by way of compensation. But he thought the most rev. Prelate could not have referred to the actual words of the Treaty, which said—

“The clergy shall continue in their functions and receive the same pay and emoluments as they have from the Dutch.”

The only question which could arise was whether the present Dutch Church in Ceylon was entitled under the Treaty to continue to receive some stipend? As there might be a legal doubt on this point, he referred it to the Law Officers, who gave it as their distinct opinion that the Treaty did not apply, for shortly after its conclusion the whole of the Dutch clergy left, and the payment made to them came to an end, and the present payment could not be held to be made under the Treaty. The Bishop of Colombo had urged upon him the necessity of giving sufficient time to the Church in Ceylon to make arrangements, and a period of five years had accordingly been granted for the purpose. He might observe that the Bishop said he was not prepared to advance on behalf of the Church of England in Ceylon, as a whole, any claim for a continuance of the State assistance, and he added—

“I am not aware that as a Church we have any right to it, nor am I sure that its permanent continuance would be to our ultimate advantage.”

This was not merely a question of the disendowment of a Church. It was a question of justice to the various inhabitants of the Island. To give a concurrent endowment to all these religious communions would be out of the question for various reasons, and, amongst others, that it would impose a burden on the revenues of the Colony which they could not bear. The strongest possible case had been made out for putting an end to this small endowment, which was not at all necessary for the maintenance of the Church in

Ceylon; and he could not hold out any hope that the policy on which Her Majesty's Government had determined in respect to this matter would be departed from.

THE EARL OF CARNARVON desired to know whether all the details of the proposed arrangement had been settled, or whether there was still room to modify them? He trusted care would be taken to prevent legal complications in regard to Church property if disestablishment took place. He also trusted that his noble Friend would make the transition as gradual and as easy as possible.

TUNIS.—RESOLUTION.

THE EARL OF DUNRAVEN, in rising to call attention to the present state of affairs in Tunis; and to move—

“That, in the opinion of this House, any interference with the integrity of the Ottoman Empire in North Africa is likely to prove dangerous to the peace of Europe,”

said, that on the last occasion this subject was before the House the noble Earl the Secretary of State for Foreign Affairs remarked that, in view of the complicated state of things then existing, it would be the duty of the Government to take the best advice they could get and to give a full and frank explanation to Parliament. Since then Papers had been presented relating to both Tunis and Tripoli, and, judging from the public Press, matters had become somewhat less complicated than they were; but the information contained in the Papers was somewhat meagre, and matters were still so far complicated that he thought that the full explanation which the noble Earl suggested would be welcomed by the House and the country. The first thing that would strike anyone on reading the Papers would probably be that there was no mention made of the Enfida case. It was not necessary for him to go into the details of this dispute. The facts were that a French Company negotiated with Khereddin Pasha for the purchase of a large estate in land. As there existed in Tunis, as in other Mahomedan countries, a right of pre-emption on the part of neighbouring proprietors in the case of a sale of landed property, the precaution was taken of leaving a strip all round the Enfida estate in the hands of Khereddin

Pasha, so as to exclude the possibility of the right of pre-emption being exercised. But, as it turned out, this precaution was unavailing, as a Mr. Levy possessed some portions of property in the centre of the Enfida estate. He was consequently able to exercise his right of pre-emption, and did so. It was suggested that the matter should be referred to arbitration; but Her Majesty's Government very properly decided that it ought to be settled in the Local Courts, and, in order that the Courts should exercise unbiased judgment, two British ships of war were sent to Tunis. Mr. Levy brought his claim forward in the Hanefi Court, the Court to which such matters were always referred, and an order was given putting Mr. Levy in possession. Afterwards, at the instance of the French Minister Resident, the case was taken out of the jurisdiction of the Hanefi Court, and referred to the Maliki Court, which did not take cognizance of cases of that kind. He had seen it stated that this Court had decided against Mr. Levy. How far that was true or not he did not know. He had seen it also stated that the British Consular Judge had been ordered back to Tunis to report as to whether our Treaty rights were interfered with by the transference of Mr. Levy's claim from the Hanefi to the Maliki Court. Whether, theoretically, our Treaty rights were broken was a matter which he could not judge; but he should imagine that there could be no doubt that, practically speaking, they had been broken. If the matter had been left to the free and unbiased action of the Bey's Court there could be no question that Mr. Levy would be put in possession of the estate; but if, owing to the preponderating influence of some other Power, the case was taken out of the proper Court and referred to another tribunal and decided against Mr. Levy, there could surely be no doubt that an infringement of our Treaty rights had taken place. Another important omission was that instructions from the Government to our Consul General at Tunis were not, he imagined, given in full. Mr. Reade had instructions to accept the new order of things in so far as it did not violate our Treaty rights. The noble Earl the Secretary of State for Foreign Affairs was very properly most particular that our Treaty rights should not be infringed, and

France, very properly, undertook to say that they should not be infringed; but, as a matter of fact, it appeared to him impossible that they could be maintained in the spirit. One of the principal stipulations in our Treaties was that the Representative of Great Britain should be treated with the same honours in every way as were accorded to the Representative of any other nation; but as very special honours and privileges were accorded to the Representative of France, there could be no question that at that time our Treaties were broken. The noble Earl pointed out the difficulties arising from the double functions exercised by the French Minister Resident at Tunis, and France had so far recognized these difficulties that she had appointed a subordinate of M. Roustan's to the post of Consul. But the difficulty was not really solved by this. Another point of importance was the right of access which our Representative had to the Bey, and the right of British subjects to have matters in dispute decided by the Consul in concurrence with the Bey or his delegate. The delegate must, of course, mean a Tunisian delegate; and if the Bey's delegate was the Representative of another Power, the spirit of the Treaty was broken in that case. The Papers presented contained the statement made through the Havas Agency to the effect that there was nothing in the French Treaty to preclude the Representatives of Foreign Powers from claiming audience of the Bey whenever he thought right to accord it. That might be very true; but the Treaty contained a provision giving us a right of access to the Bey. It might be said that we could not have compelled the Bey at any time to have accorded an audience to our Representative; but, in the event of his not doing so, we should have had our remedy in remonstrances with the Bey. It was useless to suppose that we had that remedy now, seeing it was absurd to suppose that the Bey was any longer a free agent in the matter. The general tenour and object of our Treaties was that British subjects should enjoy equal privileges in the way of acquiring lands, investing money, and carrying on all the affairs of life with the subjects of any other Power; and it was obvious that if any other Power obtained a preponderating influence over the Bey and over the Local Courts, the

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whole spirit of the Treaty was, practically speaking, broken. Our Commercial Treaties also must not be lost sight of. Our Commercial Treaties with Tunis were very favourable to us. They would be open to revision next year; and although it was stipulated that they could not be altered without the consent of both parties, it was probable that, in view of the commercial relations between France and England, there might be more difficulty in renewing them on equally favourable terms to us, under present circumstances, than if we had to deal with the Bey uninfluenced by France. The real difficulty was that there was no real authority in Tunis. The Sultan claimed supreme authority; but his claims had been disallowed. The authority of the Bey had been, practically, superseded, and yet in theory it remained unchanged. The foreign affairs of the country were, to all intents and purposes, in the hands of the French Minister Resident, who thereby became the Suzerain of Tunis. And yet he was not the Foreign Minister of the Bey, for the Tunisian Minister of Foreign Affairs retained his position, but was subject to the control of the French Minister Resident. It was difficult to see what was the position of British subjects in reference to Tunisian subjects in Tunis, or Egypt, or Malta, or in this country. Would disputes in which Tunisians were implicated be decided by the French Ambassador or Consul General or by the Consul General and Ambassador of Turkey; and would a British subject, having a dispute with a Tunisian subject—say in Egypt—be dealt with by the British Consul and the Courts of the Viceroy, or by the British and French Consular Courts? A kind of government within a government, where nobody appeared to be responsible, existed in Tunis, which might lead to endless difficulties. For instance, to whom were British subjects to apply for redress who had lost property during the bombardment of Sfax? Was application to be made to the Bey, who was supposed to be responsible for the government, but was certainly not responsible for the bombardment; or to France, who was responsible for the bombardment, and who was not supposed to be responsible for the government of Tunis? If a country was conquered, and the conqueror accepted the Treaty

obligations of the conquered, the other parties to those Treaties had no cause to complain. They could hold the new Government responsible for the observance of their Treaties. But if one nation exercised complete control over the affairs of another nation, but without definitely taking and exercising the functions of a Government, it was difficult to see how other people could guard their interests. To whom were they to appeal? Who was responsible? The one nation was not responsible for the government of the country theoretically, neither was the other responsible practically, seeing that it had ceased to retain real freedom of action. Our Treaties were designed for the protection of British subjects at a Court irresponsible and independent as far as European influence was concerned. Tunis could not any longer be looked upon in that light; and though the letter of our Treaties might remain intact, it would be strange if the spirit of them was not broken. A state of things existed which might lead to difficulties at any time; and, as anything that could imperil in the slightest degree the friendship existing between this country and France would be greatly to be deplored, the present state of affairs was most unsatisfactory, and it would be a relief to know that there was a probability of this anomalous condition of affairs being brought to a close. So much for the manner in which our Treaty rights were jeopardized. He did not intend to dilate upon the possible dangers to our trade. He called the attention of the House on a former occasion to the magnitude of our Indian and Colonial trade that passed through the Malta Channel; and it could not be denied that our feeling as regarded the security of that trade must be modified if an important naval position commanding the Malta Channel passed out of the hands of one of the Barbary States into those of a great Naval Power. We had great interests involved in that part of the globe, as had also other nations, Spain and Italy especially, and anything imperilling the interests of those countries could not but be dangerous to the good feeling existing among nations. The greatest danger, however, appeared to arise from the effect upon the feelings and sentiments of Turkey which might be produced by the annexation or occupation of any portion of her dominions

in Africa. Turkey was very hardly dealt with. Her territories were constantly circumscribed and guaranteed, and then circumscribed and guaranteed again. But if every guarantee was speedily followed by some fresh infringement of her territory, it was not likely that Turkey would have much confidence in guarantees. He presumed that some continuity existed in Treaties, and that the Treaty of Berlin ratified the Treaty of Paris, and that again ratified former Treaties affecting Turkey. He did not think that Tunis was mentioned in the Treaty of London of 1841; but it happened that it was particularly mentioned during the Conference at Vienna which preceded the Treaty of Paris of 1856. It was probable that Tunis was especially before the eyes of Europe at that moment as having contributed a contingent of 25,000 men to the forces of the Sultan engaged in the Crimean War. Russia was, very naturally, somewhat reluctant to give a specific detailed guarantee as regarded all portions of the Ottoman Empire, though willing to give a general guarantee; and Prince Gortchakoff stated as one of his reasons that, if any detailed guarantee were given, such a thing as an invasion of Tunis would have to be considered a *casus belli*. France, however, saw no difficulty in giving detailed guarantees; and M. Drouyn de Lhuys stated that he would willingly give, not only a general guarantee, but a detailed guarantee, and added that he saw no difficulty in extending it to the Regency of Tunis. According to the 13th Protocol of the Conference of Vienna there could be little doubt that the Regency of Tunis was considered to be included within the general guarantee given by the Great Powers to Turkey by the Treaty of 1856, and we could not be surprised if Turkey considered that an infringement of her Treaty rights had taken place. Turkey, as was usual, had been put in an impossible position. She was told that if hostilities broke out among the Arab tribes on the Frontier of Tripoli, she would be held responsible if she could not put them down; and she was told also that if she sent troops to Tripoli, and hostilities broke out among the Arabs, she would be responsible for having fomented them. If she did not send troops and difficulties arose, she would be told, as was told to the Bey of Tunis, that she was unable to

control the Arabs. Any interference with the Sultan's dominions in that quarter of the globe was greatly to be deplored, as being likely to upset the balance of power in the Mediterranean, and to unsettle that settlement of the Eastern Question which Her Majesty's Government had laboured so hard and so successfully, in some respects, to bring about. Turkey gave way to the wishes of the European Concert and allowed a settlement to be made. But if the settlement so arrived at in deference to the wishes of the concert was to be followed immediately by some fresh interference, we could not expect Turkey to look upon the concert as anything but a somewhat one-sided affair. If the concert of the Powers were only possible when there was a question of dividing some portion of the Ottoman Empire, and if it resolved itself into its primitive elements the moment there was a question of preserving what was left of the Ottoman Empire, the Sultan was not likely to look with great respect upon the European Concert and the concert failed in its objects. How could we, or any other of the European Powers, expect Turkey to fulfil her obligations, financial or otherwise, if we did not fulfil our obligations to her? How could we press upon her to undertake reforms and carry out the promises which she made, if we on our part did not carry out the promises which we made to her? It was not unreasonable to look with some degree of anxiety upon what might result from the French occupation of Tunis. A fire was burning in the midst of most inflammable materials, and all those who had property in the neighbourhood naturally felt anxious. There were two ways in which a fire could be treated. It could either be dealt with at the commencement, or it could be confined within limits. The first policy, if practicable, was the best. There could be no objection, on the part of this or any other country, to France taking the necessary measures for the protection of her Algerian Dominions; but it was possible that if the grave consequences which might ensue from the occupation of Tunis had been pointed out to her, she would have been able to do all that was necessary without going so far as she had. It would be a most lamentable thing if anything occurred to endanger the friendship existing between England,

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and France; and he did not suppose that France would wish to do anything that could weaken that friendship; but the danger was that in embarking on a certain course she might find it very difficult to check herself. He must confess that French statesmen appeared to have but vague apprehension of the danger to which the state of things in Africa exposed them and others. The noble Earl the Secretary of State for Foreign Affairs pointed out the difficulties that might arise on account of the pretensions of French Consuls in Tripoli and Egypt to exercise protection over Tunisian subjects. M. Barthélemy St. Hilaire merely promised to examine into the question and to make a communication about it. Whether that communication had been received he did not know; but anyone would have supposed that such a simple matter required very little examination, and needed only a distinct disavowal. M. St. Hilaire had spoken very plainly concerning Tripoli. He stated to Lord Lyons that the French Government had no intention whatever either of invading it or of attempting to establish any exclusive or predominant influence in it. But it must be remembered that he and other French statesmen had been equally distinct and clear in disavowing any intention of annexation or of an occupation of Tunis other than one of "an essentially provisional character," and in stating that the only object of French interference was the guarding of her Algerian Frontier, and protecting her interests in Algeria. But as yet we saw no sign of the provisional nature of the occupation. On the contrary, France appeared to be consolidating her occupation, and was even appointing Governors over various portions of the country. He did not suppose that France had any designs towards Tripoli; but the danger was that in occupying the position she now held she might find herself irresistibly dragged into a still more complicated position. The noble Earl the Secretary of State for Foreign Affairs also spoke very distinctly as regarded Tripoli; but he was equally clear as regarded Tunis. In fact, it was difficult to understand what difference this country could recognize between the two Provinces. The noble Earl stated that Tripoli formed an integral portion of the Ottoman Empire, and that Her Majesty's Government

looked upon Tunis as forming part of the Ottoman Empire. The only difference that he could see was that the Governor of Tunis was called a "Bey," and the Governor of Tripoli was called a "Dey." He was tempted to remark that—

" 'Tis strange there should such difference be,
Twixt letter B and letter D."

But it seemed that in the difference between the letters "B" and "D" there was some inscrutable reason which caused Her Majesty's Government and the other Powers to look upon Tripoli in a different light to that in which they viewed Tunis. It would be very interesting to know what was the opinion of the other Great Powers on this point, particularly on account of what the noble Earl the Secretary of State for Foreign Affairs said on a former occasion in that House. He then stated that, although we held that Tunis formed part of the Ottoman Empire, and although Austria and Germany held the same view, he had reason to know that they would not have assisted us in carrying our views into effect. It was important, therefore, to know what Austria and Germany, for instance, thought about Tripoli, because if our carrying out our obligations and views depended upon the assistance we received from other Powers, it was obvious that the assurances of the noble Earl concerning Tripoli were not of great value unless read alongside of the opinions of the other Powers on the subject. For the reasons he had given, it appeared to him that there was scarcely any portion of the world where more sensitive interests of many nations were at stake than in those portions of the Ottoman Empire which bordered on the Mediterranean. There was no spot on the globe where a small spark was more likely to bring forth a serious conflagration. Under those circumstances, it was not unnatural that we should feel somewhat uneasy that Parliament should separate without the full explanation that was promised by the noble Earl.

Moved to resolve,

"That, in the opinion of this House, any interference with the integrity of the Ottoman Empire in North Africa is likely to prove dangerous to the peace of Europe."—(*The Earl of Dunraven.*)

LORD LAMINGTON said, that, with all deference to the noble Earl who had

just sat down, he thought that the subject of Tunis and the position of the Ottoman Empire in respect of it had been brought recently much too frequently before their Lordships. He confessed that having read the recent despatches laid upon the Table he did not think that France had any design whatever to interfere with the integrity of the Ottoman Empire, and that the assurances given to them by eminent French statesmen ought to satisfy them on that subject. For his part, he had gathered the opinion he had expressed from the despatches before their Lordships and from the speeches delivered by M. St. Hilaire, M. Gambetta, and other distinguished French statesmen. They ought to take the assurances of Foreign Powers as they were given, until by some overt act they had reason to believe that they had said what they did not mean.

EARL GRANVILLE: I desire to say a few words to your Lordships in respect of the speech of my noble Friend behind me; and, in the first place, I have to express my regret that entirely owing, not to my fault, but to circumstances with which your Lordships are acquainted, my noble Friend was obliged on several occasions to postpone his Motion. I have listened very attentively to what my noble Friend has said. Some of us, my Lords, in this House and out of it, are sometimes not able to express our ideas very clearly; but I know no one who is able to express his views with more clearness than is my noble Friend. The only thing which I failed to catch was the drift—the practical result which he desired by his speech to obtain. Certainly the noble Earl does not wish to censure Her Majesty's Government, towards whom he seemed to entertain a friendly feeling throughout the speech. He made but one complaint, to which I will allude immediately. He put the question whether the Government can assure the House that a state of things which he described as anomalous would soon be brought to an end. I hardly know what that question means. Does it mean that he expects the French Government to give up the Treaty with the Bey and withdraw from their position, which undoubtedly is one that enables them to exercise great influence in Tunis? That is a question that he can hardly expect a reply to. The noble

Earl complains that the Correspondence does not give sufficient details of the Enfida case, in which he takes great interest. The fact is, the Papers give all the information we have to give. The noble Earl had been informed that it was decided to refer the case to arbitration, and that two vessels of war were sent to watch that arbitration; but that is an entire misapprehension. At the beginning, when we were hardly informed of the circumstances of the case, and when it appeared that the French were going to increase their Naval Force, we thought that, unintentionally, such an increase might produce an unfair pressure upon that particular case, and we thought it our duty, also, to send a man-of-war also to be present, and which left at the time the increase to the French Force was taken away. In a case of this sort we thought it our duty to take legal advice as to every piece of information; we consulted the highest legal authority, who has taken great interest in the matter; and the fact is that up to this moment we have been positively advised that we had no ground of interference as a Government in this matter. I do not say that circumstances might not arise which might make it our duty to interfere; but up to this time, as we have been advised, we have not been in a position to interfere at all. The noble Earl alluded to a fact that shows the anxiety of the French Government to meet our wishes. The position of M. Roustan as Consul created a considerable technical difficulty with regard to the equality of our Consul; the French Government promised to pay attention to our representation; and the result is that they have appointed another gentleman as Consulat Tunis. Whether the fact is one of great importance or not, it is one that shows the sort of feeling in which the two countries ought to act together in this matter. The noble Earl speaks of difficulties which may arise in the present state of things. I cannot deny that such difficulties may arise; but up to this moment they have not arisen. As to the question whether our Treaty rights have been broken in any way, I have already stated, in answer to the noble Earl, that we have no Treaty rights as regards access to the Bey, and I adhere to that statement. We have no Treaty rights; but we have had the practice

of access to the Bey, and I am not aware that it has been diminished by what has occurred. I added, what is obvious, that the importance of access to the Bey is probably much diminished by the present state of things. As regards Treaty stipulations on this point, they do not exist; as regards practice, we are not in the least prohibited from the access to the Bey we have previously enjoyed. The noble Earl could see no difference between the position of Tunis and that of Tripoli; but there are great differences. In one the authority of the Sultan is purely of a nominal character; in the other there has been active interference in many ways. Indeed, in Tunis the French and the Italians deny the suzerainty of the Porte; but as to Tripoli, all the Powers are united in admitting that it is a portion of the Ottoman Empire. I am sure, from what he said, that the noble Earl approves our policy. We have adopted the Treaty of Berlin; we have endeavoured, and we shall endeavour, to remove any difficulty in the way of fulfilling the conditions of that Treaty. We believe that if all the conditions of the Treaty of Berlin are carried out there is no reason whatever why the Sultan should not maintain his authority in Turkey, and we desire that he should do so. As to Tripoli, all we have done, and it was clearly our duty, is this—in the most friendly, and, I flatter myself, the most courteous manner, we gave our opinion with absolute frankness to France, and France has returned assurances of a most definite character. The noble Earl has intimated that there may be some doubt about those assurances; but I cannot think it is desirable that in this House we should question the perfectly definite and clear assurances given by the Governments of great and friendly Powers. For one, I certainly wish to rely on those assurances. I quite admit that in international affairs those who are charged with the conduct of the foreign relations of a country must not take everything for granted, but must keep their eyes open, and must be prepared, when occasion arises, to act in the manner required by the interests of their country. With regard to our position, I really do not think I have any information to give with regard either to Tunis or Tripoli beyond what is to be found in the Papers

presented to this House, and I must return my thanks to the noble Lord opposite (Lord Lamington) for having spoken of them as so very satisfactory.

LORD STRATHEDEN AND CAMPBELL: My Lords, at this time of the Session and this hour of the evening it is not easy to command the favour of the House on a great subject. If I desired to express at all completely the ideas which have occurred to me during the course of the transaction, or during the long interval in which the Notice was delayed, I ought to look to other channels for producing them. But as I fully share the view of my noble Friend who brought the Motion forward, as the two speeches we have heard have both of them been adverse to it, and as I am led to think he counts on my support, I feel bound, however brief and hurried it may be, if possible, to give it. The noble Lord who followed him indulged in some extraordinary criticism. He complained that the subject was too frequently adverted to. Since the end of June it has never been adverted to at all, although its phases have been multiplying. Before that time, all the Notices on Tunis came from his side of the House. The question has never until to-day been introduced upon these Benches. What is more material, the House has never until to-day had any opportunity to pronounce a judgment on the character of the transaction. The noble Lord has laid down as a maxim that the assurances of foreign Governments should be accepted as substantial. It may be satisfactory that such a maxim should proceed from any quarter to which foreign policy has been a theme of meditation or discussion. But the noble Lord does not go so far as to contend that assurances may be relied on when they are shown to be illusory. Can he maintain that the assurances of the French Government have been performed? The whole series of events involves a constant violation of them. I listened with much attention to the speech of the noble Earl the Secretary of State, but could not ascertain from it a single ground on which the present Motion is objected to. It is not a Motion to reflect on the proceedings of the Government, which I may, therefore, now pass over. It is a Motion to affirm that interference with Ottoman domi-

nion in North Africa tends to endanger the peace of Europe. In that sense alone would I discuss it.

There is one part of the subject which tends, perhaps, more rapidly than any other to the conclusion my noble Friend has recommended to us. The French Government maintain—to justify their violence—that Tunis is not incorporated in the Ottoman Empire. In that manner they admit that if Tunis is incorporated in the Ottoman Empire they have been led into considerable errors. But, according to the Foreign Office, and the noble Earl presiding in it, there is no doubt at all upon the subject. The French Government is thus condemned and reprimanded by the British Government in spite of all its friendly language and ingenious connivance. But the British Government is condemned by itself, since, if Tunis is a portion of the Ottoman Empire, Great Britain was bound either to insure its safety or to protest against its violation. The position of the British Government is, therefore, fatally untenable. They shelter the accused, while they reject the plea on which alone he can defend himself. The French Government can only vindicate itself by a successful reference to history and to Treaties. But no such reference suffices. The connection of Tunis and the Ottoman Empire has had so many illustrations that it is really difficult to choose out of the number which to bring before your Lordships. My noble Friend has mentioned one I never heard before, and which appears to me conclusive—namely, that, in a Conference which happened at Vienna, before the negotiations and the Treaties of 1856, France acknowledged, in a formal way, the dependency of Tunis on the Sultan. It is worth while to add a circumstance which shows that during the whole Crimean War she systematically recognized it. During the Crimean War Tunis was contributing a military force to the united Armies which upheld the Ottoman Empire against Russia. She was either a fifth Ally, in the same rank with the Sublime Porte, with France, Great Britain, and Sardinia, or else a Vassal of the former. She was not a fifth Ally of the co-operating Powers, or history would have mentioned it. She therefore acted—and France considered her to act—on the obligation of

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a Vassal sending a contingent to the Suzerain. Where is the reply? But did Tunis, after the Crimean War, become divested of the status which then undoubtedly belonged to her? So late as 1863, M. Drouyn de Lhuys, the Minister of Foreign Affairs, when it was attempted to negotiate a Tunisian loan at Paris, pointed out that the authority of the Sultan ought to be invoked to give it the validity it wanted. Since 1863 has Tunis ceased to be dependent? To support the argument is useless; but M. Rousseau, the French Consul, and author of the *Annales Tunisiennes*, would give voluminous materials for doing so. When the French and British Governments have both been led into a position they are not able to defend their influence is lowered; and when their influence is lowered the peace of Europe is less secure than otherwise it would be.

My Lords, the Motion gains new support by remarking what might have been done, and what has been omitted, as to Italy. It is allowed that the Italian Government were anxious, and in some degree impatient, to combine with us in such precautionary measures as might have guarded Tunis against the fate which has befallen it. Italy, since 1870, when her unity became complete, has been a great, a splendid, and an unappropriated element to tempt the labour of diplomacy. She has resided in the air without a bias or direction, except so far as Germany in some degree controlled her. At length, the opportunity to draw her strongly to the objects of Great Britain, which are not alien to her own, was forced upon the Government. It was abandoned for no purpose. To defend the latter phrase it is essential for a moment to advert to a prevailing fallacy, which is not less unfounded than prevailing, and which, indeed, appears to underlie the whole course the Government have followed as to Tunis. There is a general assumption that France is an Ally to be on that account conciliated or condoned in any deviation she adopts, until it reaches great or insupportable extremity. No doubt, in disposition and in feeling, since the War of 1870 the relations of France and Great Britain have maintained—down to the present year—their former cordiality. But alliance, in the sense of common action, perished with the Empire. It perished as the flag

descended from the Tuilleries at half-past 3 o'clock on the memorable 4th of September—an incident which cannot be forgotten by those who happened to observe it. From that time France has had but two pre-occupations—externally, at least—first, to withstand calamities which multiplied around her, then to recover the position she held in Europe before the war with Germany affected it. She has not been able or disposed to share the line, and to pursue the objects of Great Britain as she used to do. She has not been able or disposed to venture upon any course by which Russia would be alienated. So deeply was the situation felt in 1871, that at the Black Sea Conference of London, under the auspices of the noble Earl the Secretary of State, it was not thought worth while to wait for her Ambassador before commencing the proceedings. However, that is but an isolated proof which leads to others more convincing. When the Eastern Question re-appeared in 1874, over a series of transactions in which her aid would have been precious and her countenance important—the alliance of the three Emperors; the Herzegovinian, Servian, and Bulgarian rebellions; the war which they produced, the negotiations which preceded it—the voice of France, which so powerfully operated in 1853, was altogether wanting. Even at the Congress of Berlin—except as regards Greece—you cannot urge that France had any telling weight in the direction it adopted. The French alliance, therefore, we had lost by no fault on either side, but by events which violently drew one Power into a different set of calculations and of thoughts from that which used to bind the two to one another. Until the reclamation of Alsace and Lorraine has been achieved, or else until it is despaired of, the greatest minds and soundest combinations will not restore a French alliance which is more than negative and formal. Since France is unattainable, whatever language she may hold, whatever Rulers may direct her, you have to look to other Western Powers as a substitute. The affair of Tunis, although sinister in itself, presented such a chance of gaining Italy as had never before occurred, and is not likely to come back again. But we have failed to grasp what might have been a substance in order to retain

—at no little cost of dignity—what must, until another epoch has been opened, continue to be nothing but a shadow. Italy is not only unattached and undecided in her policy, but embittered against France and discontented with Great Britain. The peace of Europe becomes endangered by her attitude.

If we examine the question still more closely, it seems to me that such interference with the Ottoman Empire in North Africa tends to European war under two categories. It tends, in the first instance, to re-establish an antagonism between France and Great Britain, which we had hoped that many centuries of strife had finished and exhausted. The division is produced when Tunis is encroached upon; becomes more grave when Tripoli is compromised; should Egypt be involved, is certain to be more thoroughly accentuated. In Egypt elements of variance between France and Great Britain are abundant; if only because one Power designed the Canal the other has the greater interest in using and preserving it. Whatever nourishes a French ascendancy in Egypt must embitter the relations of the countries. The comparative tranquillity of France has been purchased by struggles and by sacrifices which elude the grasp of the historian—of which no picture can be adequate. It cannot be denied that Her Majesty's Government have helped her to resume the demon of aggression and rapacity against which William III. first led us to protest, and which the Duke of Wellington was thought at last to have exorcised. But it is not only by reviving discord between the leading Western Powers that the risk of European war has been promoted. We ought to bear in mind the consequences of that discord. As soon as it is felt, an irresistible temptation to revive the troubles of the Eastern Question is administered. Greece observes the moment for reclaiming the Frontier which a recent Conference imprudently propounded. Russia is invited to cross the Pruth again, if only to adjust the difficulties of Bulgaria. Germany and Austria can hardly look on such a movement with indifference. But, disregarding these contingencies, it cannot be assumed that the Ottoman Empire will always be disposed to leave invasion unresisted. The experience of 1877 forbids such an assumption.

But it is not enough to show that any Motion is correct, unless it is seen, at the same time, that it would be productive of advantage to adopt it. In France there is a considerable party opposed to the aggression upon Tunis, which has found organs in the Duc de Broglie and M. Clemenceau—great names abroad, of which the first, at least, is known in this country. They seem to represent extremes of opposite opinion, although concurring on this subject. The debate in the Chamber of Deputies on the 23rd of May, the debate in the Senate on the 25th of July, reveal the current of opinion which the voice of this House would tend to dignify and strengthen. Another result to which the Motion, if adopted, may contribute is that of warning the French Government itself that lawless and insulting policy directed to encroach upon the Ottoman Empire, and not directed to replace it, has found a just interpretation, and may provoke a serious discouragement. They may be led to see that such a policy will make the recovery of Alsace and Lorraine more difficult than otherwise it would be; that Allies will not be found to put an end to losses and to remedy disasters which, instead of being a school of moderation and forbearance, have excited a contempt for right and hunger for disturbance. If, therefore, my noble Friend thinks proper to divide the House, I shall give an unhesitating vote in favour of his Motion.

Motion (by leave of the House) *withdrawn*.

House adjourned at 25 minutes to 8 P.M. during pleasure.

House resumed at 25 minutes to 3 A.M.

The Earl of CORK—Chosen Speaker in the absence of The LORD CHANCELLOR and The LORD COMMISSIONER.

LAND LAW (IRELAND) BILL,

Returned from the Commons with an amendment made by the Lords to which the Commons had disagreed and on which the Lords have insisted, *agreed to*; and with several of the further amendments made by the Lords, *agreed to*; several *agreed to*, with amendments, and with consequential amendments to the Bill; and several *disagreed to*, with reasons for such disagreement: The said amendments and reasons to be printed, and to be considered *To-morrow*. (No. 214.)

House adjourned at a quarter before Three o'clock A.M., till a quarter before Five o'clock.

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HOUSE OF COMMONS,

Monday, 15th August, 1881.

MINUTES.]—SELECT COMMITTEE—*Report*—Kitchen and Refreshment Rooms (House of Commons) [No. 400].
Resolutions in Committee—NAVY AND ARMY EXPENDITURE, 1879-80.
PUBLIC BILLS—*First Reading*—Leases for Schools (Ireland) * [252].
Second Reading—Royal University of Ireland [247]; Pollen Fishing (Ireland) [248].
Referred to Select Committee—Solent Navigation [207].
Third Reading—East Indian Railway (Redemption of Annuities) * [244]; Consolidated Fund (No. 4) *, and passed, with a new Title.
Withdrawn—Married Women's Property (re-comm.) * [108].

QUESTIONS.

IRELAND—PHOENIX PARK.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, By whose authority intakes are made in the Phoenix Park to the exclusion of the public; and, if he will state the name and number of the clubs or institutions for which enclosures and ground have been granted, the dates at which the permission was granted, and the acreage from which the public are now shut out in each case?

LORD FREDERICK CAVENDISH: Sir, as this Question relates to the Board of Works, I have to answer it on behalf of the Treasury. Intakes in the Phoenix Park are made by the authority of the Lord Lieutenant and Treasury. The clubs for which inclosures have been granted are the "Phoenix," the "Civil Service," and the "Garrison" cricket clubs, at the respective dates of 1837, 1863, and 1877; and about 13 acres altogether are inclosed for them. Some land has also been set aside this year as a cricket ground for working men; this is not inclosed, but the public are requested by notice not to injure it.

STATE OF IRELAND—CONDUCT OF SOLDIERS.

MR. HEALY asked the Secretary of State for War, If his attention has been called to the following paragraph from the "Limerick Reporter":—

"In this city on Saturday evening, July 30th, a quarrel arose between some soldiers, and one of them, Private Ratcliff, of the 9th Regiment, lost his cap. He said he should have a head-dress, and rushing at Fathers Hammersley and O'Flaherty, of the Dominican Order, who were walking down Henry Street, he knocked the hat off the head of the latter clergyman and kicked it about; "

and, if he can state how the soldier has been dealt with?

MR. CHILDERS: Sir, in reply to the hon. Member I have to state that I have inquired into the facts of the case. It appears that two soldiers of the Norfolk Regiment were taking a third, who was not sober, to barracks. They took his cap and stick from him, on which he went up to two Roman Catholic priests who were passing and snatched Father O'Flaherty's hat off. On this he was set upon by some bystanders, and with difficulty rescued by the two priests. The commanding officer at once wrote to Father O'Flaherty expressing his regret, and that gentleman called the next day at the barracks and requested that the man might be let off, saying that he thought the man intended no insult to his sacred office, and that in a drunken freak he would have taken anybody's hat. The commanding officer very properly declined to let the man off, and punished him with fine and imprisonment.

MR. REDMOND asked the Secretary of State for War, Whether his attention has been directed to a riot which occurred between the military and the people in New Ross, on the evening of Monday August 8th; whether he has inquired into the origin of the disturbance; whether it is true, as stated in the "Standard" of August 9th, that it arose in consequence of a number of soldiers publicly insulting the Pope in the streets of New Ross; and, what steps he has taken in the matter?

MR. CHILDERS: Sir, in reply to the hon. Member I have to state that I find that two men in a public-house in New Ross were, on the 8th instant, attacked by a mob of roughs, who stoned them through the windows and beat them with the publican's bottles. They were knocked down, badly kicked, and with difficulty rescued. Several of the mob are about to be prosecuted, and I would, therefore, rather say no more on the subject at present, except that, according to the report of the command-

ing officer, the men gave no provocation. Two other men on their way home to barracks were also set upon and beaten. With respect to the charge of publicly insulting the Pope, I can only say that when I read the hon. Member's Question, I directed special inquiries to be made, and that the commanding officer assures me that he can find no trace of the supposed occurrence, or even of such a charge having been made before the attack on the soldiers. If they were guilty of it they would have committed not only a military, but also an ecclesiastical offence, as they are all four Roman Catholics.

POST OFFICE—WAGES OF LETTER CARRIERS (IRELAND).

MR. DAWSON asked the Postmaster General, Whether he will raise the wages of the letter-carriers in Ireland to the same standard as that which exists in England for corresponding duties?

MR. FAWCETT, in reply, said, that in consequence of memorials he had received not only from Ireland, but from all parts of the country, the whole question of the remuneration of letter-carriers was under careful consideration, and that until a general decision had been arrived at he was not prepared to give any promise on the subject.

STATE OF IRELAND—PROCESS SERVING, CO. GALWAY.

MR. BIGGAR asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has seen the statement that a bailiff, with a force of over one hundred police, under command of a resident magistrate and a sub-inspector, assembled at Ballinamore Bridge, county Galway, on Monday last, for the purpose of serving writs for rent for a landlord named Synnott; if it is true that no writs were served, as no such landlord has an estate in county Galway; and, what was the expense of the expedition?

MR. W. E. FORSTER, in reply, said, that the facts appeared to be correctly stated in the Question, except that 60, and not 100 police, were employed. The cost of the expedition was £21 19s. 10d. The police were endeavouring to find out who the solicitor in the case was.

MR. BIGGAR asked whether the whole thing was not a hoax upon the authorities?

MR. W. E. FORSTER: That is exactly what we do not know yet, and what we are endeavouring to find out.

PRISONS (IRELAND) ACT, 1877—SUPER-ANNUATION OF ROMAN CATHOLIC CHAPLAIN AT CARRICK ON SHANNON GAOL.

MAJOR O'BEIRNE asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is a fact that, under the Prisons Act of 1877, the Reverend Thomas Fitzgerald, Roman Catholic chaplain for seventeen years of Carrick on Shannon Gaol, was entitled to a superannuation allowance of two-thirds of his salary as chaplain, or a sum of £26 13s. 4d., and whether, as a matter of fact, he has only been granted £5 by the grand jury of the county Leitrim; whether this sum is proportionate to the superannuation granted to other prison officials; and, whether the Government will take any steps to remedy the grievance?

MR. W. E. FORSTER, in reply, said, that the facts were correctly stated; but the matter was one which rested with the Grand Jury, and the Government had no power of interference. If the Grand Jury wished to charge the county with a larger pension, the Treasury would, no doubt, entertain any recommendation they chose to make. He found that augmented pensions were awarded to two other officials, in one case in consideration of long and faithful service of 17 years and eight months; and in the other, in consequence of the officer having served 13 years and 10 months, and having been disabled in the discharge of his duty.

POST OFFICE (IRELAND).

MAJOR O'BEIRNE asked the Postmaster General, If it is a fact that daily postal communication has recently been established between Buckade, county Leitrim, and other parts of the said county; and, if it is likewise a fact that a far greater correspondence passes annually through the Post Office at Glenade, county Leitrim, and, if such is the case, if he will explain why the repeated request of the inhabitants of Glenade to have a daily postal commu-

nication to other parts of the county Leitrim has not been granted?

MR. FAWCETT, in reply, said, that arrangements had been made for daily postal communication in the districts in question.

STATE OF IRELAND—MAIMING OF CATTLE IN CO. KILKENNY.

MR. MARUM asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to a Report appearing in the "New Ross Standard" newspaper of a Land League meeting held in Innistrogue, in the county Kilkenny, and presided over by the Rev. John Lynagh, O.C., whereby it appears that Mr. Henry Miller and Patrick White, of that locality, had been arrested under the Coercion Act for an alleged "maiming of cattle;" that, subsequently thereto, a yearling bull, the sole subject-matter of the alleged injury, was examined by a competent veterinary surgeon, viz. Mr. A. S. Jones, M.R.C.V.S., who has given his opinion, as per formal certificate furnished, that the alleged injury was not caused, as set forth in the informations, by any sharp instrument, but most probably was the result of an accident; and, whether, under the circumstances, he will have these arrests reconsidered, and the parties, respectable men, discharged from prison?

MR. W. E. FORSTER, in reply, said, he had seen the report referred to. He found that the examination of the veterinary surgeon was made after a period of three weeks from the date of the offence. He did not consider that the report would lead them to make any difference in dealing with the case.

BOROUGH OF GALWAY (IRELAND)—THE FREEMAN'S ROLL.

MR. T. P. O'CONNOR asked Mr. Attorney General for Ireland, When the Keeper of the Freeman's Roll in the Borough of Galway last held a court for the admission of Freeman; and, whether any notice of holding such a court has been given by the recently appointed holder of the office?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW), in reply, said, the Keeper last held a Court for the admission of Freeman in January, 1876. The present Keeper proposed holding a Court on the first Thursday of next month.

CHELSEA HOSPITAL—BURIALS.

MR. DICK-PEDDIE asked the Secretary of State for War, Whether it is the case that all pensioners of Chelsea Hospital, whether they be Wesleyans, Presbyterians, or other Nonconformists, Roman Catholics or Episcopalians, are, when they die in the hospital, buried according to the rights of the Church of England; and, whether, if it be the case, he will take steps to secure henceforth for pensioners the right of burial according to the forms of their own religious denominations, as is the case in the Army?

MR. CHILDERS: Sir, I believe that some misunderstanding on the subject of the Burial Service over Presbyterian pensioners at Chelsea Hospital has arisen between the Commissioners and the gentleman who is doing temporary duty for the Presbyterian chaplain on leave. On the return of the latter, I will look into the matter; and, no doubt, the Commissioners of Chelsea Hospital will act on my advice. I have, as my hon. Friend probably knows, no official control over them.

CHARITABLE TRUSTS — BURKSTONE-LE-WILLOWS CHARITIES.

MR. BURT asked the Vice President of the Council, If he can state whether it is a fact that in February last the Charity Commissioners were asked for a copy of the balance sheet of the Burkstone-le-Willows (Lincolnshire) Charities; that the Commissioners replied that no balance sheet had been received for many years, though application had been made to the clergyman for one; that no balance sheet can be obtained from the Charity Commissioners, or from anyone else; and, if the facts be correctly stated, whether he can compel obedience to the Law, which makes it imperative that these returns shall be published annually?

MR. MUNDELLA: Sir, no accounts of the Charities in this parish having been received at the office of the Charity Commissioners for several years, they caused an application to be made for them to the rector and churchwardens on the 26th of February last. Accounts for the years 1876, 1877, 1878, and 1879 were received on the 21st of March, 1881, but, being imperfect, were returned for the purpose of amendment.

They have not since been received back; but the application for them has been renewed, and their production will be required by the Charity Commissioners.

CRIME (ENGLAND AND WALES)—RETURN OF ASSAULTS WITH VIOLENCE.

MR. MACFARLANE asked the Secretary of State for the Home Department, If he will cause to be prepared and lay upon the Table, early next Session, a Return, showing, for the years 1880 and 1881, the number and description of assaults with violence in England and Wales, and the punishment awarded in each case?

SIR WILLIAM HARCOURT, in reply, said, he thought the hon. Member would find what he wanted in the judicial statistics, where assaults were classified.

IRELAND—REGISTRATION OF BIRTHS, &c., BELFAST.

MR. BIGGAR asked the Chief Secretary to the Lord Lieutenant of Ireland, If it be true that the registration of births, deaths, and marriages, in the districts over which Dr. Martin and Dr. Torrens are appointed registrars in the electoral division of Belfast, has been, for the past five or six years, and at present continues to be, conducted by Robert Humphrey, publican, of 41, Grosvenor Street, Belfast, who is ineligible by Law from holding the office of deputy registrar, he being a person engaged in the retailing of wines, spirits, and beer; if it be true that this disqualification has been made known to Dr. Martin, Dr. Torrens, and Mr. Boyce, Superintendent of the Belfast Union Registrations, and that they, or neither of them, have taken any steps to discontinue these illegal registrations; if it be true that two-thirds of the registrations are recorded in the public-house, of which Humphrey is the owner, and in which he resides; if it be correct that the said public-house is outside either of the districts for which Humphrey is appointed deputy registrar, thereby forming not only a source of inconvenience but of absolute illegality, and in every respect at variance with the rules laid down for the guidance of registrars of births, deaths, and marriages; if it be true that, when Inspector Mitchell required the books for checking

purposes, they were found to contain a large number of incomplete entries; if it be true that a report of this circumstance was made by Inspector Mitchell without any subsequent action being taken thereon; if it be true that the Registrar General has been made acquainted with Humphrey's legal disqualification to act as deputy registrar; if it be true that the Registrar General was personally interviewed by Humphrey on the subject, when he (the Registrar General) consented to give him three months to sell his public-house, or otherwise to forfeit the office of deputy registrar; if it be true that, although this alleged compact was entered into more than twelve months ago, the public-house not having been yet sold, Humphrey still remains in office; if, upon the whole of these serious charges, he is prepared, on behalf of the Executive Government, to institute a rigid inquiry into the conduct of the said several officials; is he able to say how far the registrations effected by Humphrey are legal; if he will not consider it necessary to have fresh legislation on the subject in order to legalise what has been illegally executed; is it a fact that the public-house of Robert Humphrey is carried on in the name of Rachel Kennedy, being the name of his wife before she was married to Humphrey; and, whether it is true that he requires a fee varying in amount in accordance with the condition of the parties on the occasion of the registration of marriages?

MR. W. E. FORSTER, in reply, said, he would answer the hon. Member's 14 Questions together. On inquiry, he found that Robert Humphrey held the office of Deputy Registrar of the two districts referred to in the Question. In 1875, he married a widow who held a spirit licence. That licence, even if held by him (Humphrey), would not constitute a legal disability in reference to the office of registrar; but it was contrary to the regulations. Up to May, 1880, the fact of his marriage was unknown to the proper officials; but, in consequence of a letter addressed to the Registrar General, inquiries were made, and the fact of his marriage ascertained. Directions were, therefore, given to remove Humphrey from office. However, after having had a personal interview with the Registrar General, he was allowed to continue in office on his under-

taking to dispose of his wife's licence within a month. He obtained a transfer of the licence on the 28th June, which he exhibited to the Registrar General; but it now appeared that on the 22nd December last, the Recorder refused the transfer, which fact was not reported to the Registrar General. Having now ascertained this fact the Registrar General had given orders for the immediate removal of Humphrey from office. Courts for the purpose of registration were held within the bounds of the districts, and though, in 1878, incomplete entries were discovered on the part of Humphrey, their legality was not affected by the fact that his wife held a spirit licence.

INDIA—THE NIZAM.

GENERAL SIR GEORGE BALFOUR asked the Secretary of State for India, If he will cause a selection of Papers for a long series of years connected with the Government of the Nizam to be laid before Parliament, in order that the real state of the relations of that State with the Government of India may be made known, and that the animadversions on the honour and character of the Indian Government and of Indian officers may be cleared away, or substantiated by the publication of these official documents? He had put the Question on the Paper, because he believed the time had come when the Government of India ought no longer to maintain silence on this matter. He hoped that the noble Marquess the Secretary of State for India would be able to give a satisfactory reply regarding these proceedings.

MR. ONSLOW said, that as these Papers would take some time to get ready, he should like to know whether the Secretary of State or the Indian Government had the slightest suspicion that any of these allegations could be verified?

THE MARQUESS OF HARTINGTON, in reply, said, that with regard to the Question of the hon. Member for Guildford (Mr. Onslow) he could not add anything to the statement he made on Thursday last. In reply to a Question which his hon. and gallant Friend (Sir George Balfour) put to him on Thursday without Notice, he said that he felt certain that the greater part of these Papers were of so confidential a character that it would be absolutely impossible, con-

sistently with the public interest, to lay them on the Table. Further examination of them had convinced him that that was the case, and that although it was quite possible to procure some of them, the great bulk of the Papers, and these the most important, could not possibly be produced. It was, however, possible that the Government of India, or the late Resident at Hyderabad, might think it necessary to make some statement with reference to the animadversions referred to. If any such statement should be made, supported by the Correspondence, he should, of course, consider whether these should be laid on the Table. He could not give any further reply without communication with the Government of India.

PERU—REPORTED ROBBERY OF
JEWELLERY AND MONEY FROM THE
BRITISH VICE CONSULATE
AT LIMA.

MR. ALEXANDER M'ARTHUR asked the Under Secretary of State for Foreign Affairs, Whether his attention has been called to a reported robbery of jewellery and money deposited at the British Vice Consulate at Lima for safety on the approach of the Chilians; and, what is the nature of the information on this subject which Her Majesty's Government have received; and, if the report be true, whether a searching inquiry into the matter will be made?

SIR CHARLES W. DILKE: No, Sir; the incident has not been reported to the Foreign Office.

THE CAPE GOVERNMENT—PETITION
OF RIGHT.

MR. ANDERSON asked the Under Secretary of State for the Colonies, If the Law Officers have yet given an opinion as to a Colonial Government being a Corporation that cannot be sued except by petition of right, and as to whether that remedy is excluded in the case of the Cape Government; and, if they have confirmed that opinion, whether Her Majesty's Government have any steps in contemplation to put an end to a state of matters so unsatisfactory?

MR. COURTNEY: Sir, the case referred to in previous answers in this House as being the subject of an appeal before the Privy Council has now been decided; but the decision does not touch

the question whether the Cape Government can be sued by Petition of Right in the Courts of the Cape Colony. The matter is one of considerable delicacy. It is proposed to address a despatch to the Governor of the Colony to inquire whether, in the opinion of the Colonial authorities, the Cape Government can be sued by Petition of Right in the Courts of the Colony; and, if not, to suggest the propriety of taking steps with a view of supplying an apparent deficiency.

ARMY—THE VETERINARY DEPARTMENT—PROMOTION.

MR. GRAY asked the Secretary of State for War, What is the rule regulating the promotion of officers in the Veterinary Department of the Army; and, whether promotion is habitually given according to seniority or otherwise?

MR. CHILDERS: Sir, the Regulation governing the promotion of veterinary surgeons is in these words—

“Promotion shall be solely by selection on the ground of ability and merit, due consideration being given, however, to length of efficient service.”

In the case of equal merit, preference is given to length of service.

THE IRISH LIGHTS COMMISSIONERS
—TORY ISLAND LIGHTHOUSE.

MR. LEA asked the President of the Board of Trade, The reason of the delay in the improvement to the lighting of Tory Island Lighthouse by the use of gas as recommended by the Irish Lights Commissioners; and, whether he would endeavour that the new light on Tory Island should be displayed before winter?

MR. CHAMBERLAIN, in reply, said, that he had applied to the Irish Lights Commissioners, and had been informed that the delay was caused by the number of other works having a prior claim, with which the time of the engineer of the Commissioners was fully occupied. For instance, a great deal of time had been occupied in the erection of a fog signal. On the Commissioner's engineer being free from other important works, he would take in hand the plans and specifications for Tory Island; but, having regard to the lateness of the season, and the difficulty of access to

the Island, the Commissioners would not be prepared to undertake any works at this lighthouse before the ensuing Spring.

EDUCATION DEPARTMENT—EXTENSION OF THE NEW CODE TO SCOTLAND.

MR. ANDERSON asked the Vice President of the Council, If he will extend the benefits of the new Code to Scotland not later than next year?

MR. MUNDELLA : Sir, there are considerable differences between the Education Codes of England and Scotland, arising, to some extent, out of the difference in the Education Acts of the two countries. We proposed to ourselves to deal with the English Code first, and later on to apply the same principles to Scotland. If, however, there should be evidenced a general desire that the Scotch Code should be dealt with at the same time and on the same lines as the English Code, we shall be prepared to meet the wishes of the Scotch educational authorities in the matter.

EGYPT—THE MILITARY FORCE.

MR. M'COAN asked the Under Secretary of State for Foreign Affairs, Whether, in view of the continued insubordination in the Egyptian Army, and of its now wholly unnecessary numerical strength, Her Majesty's Government has considered the expediency of advising the Khedive to disband that force and replace it by a simple gendarmerie, sufficient for all the mere police wants of the Country?

SIR CHARLES W. DILKE, in reply, said, that Her Majesty's Government believed the Khedive and his Advisers were fully alive to the importance of the maintenance of discipline, and the advisability of not burdening the Egyptian finances by keeping up any larger force than was required for the preservation of order in than county.

MR. M'COAN said, he had got nothing that amounted to an answer. The question was urgent, and he would repeat it on another day—perhaps tomorrow.

SIR CHARLES W. DILKE said, that as the hon. Member pressed the Question, he was obliged to make a reply which he had not made since his holding

the Office he at present held—namely, that the gravity of the circumstances which lay behind one part of the Question forbade his making any further answer than he had done.

ARMY PAY DEPARTMENT—RETIRED PAY.

CAPTAIN AYLMER asked the Secretary of State for War, If it is a fact that some of the oldest and most experienced officers serving in the Army Pay Department, having some forty years' service or more, and holding the vested interests of purchase combatant commissions, the value of which they have not been allowed like some other paymasters to realise, will be compulsorily retired within the next eighteen months on £400 a-year, losing use and interest of their combatant commission money, whereas other paymasters who have either sold their combatant commissions or hold no vested interests, never having served as combatants, can, after thirty years' service only, retire on £450 and £400 a-year, with higher rank and pension to widow than the former; and, whether it is intended to let these old officers receive their regulation and over-regulation money on retirement, or accord them some increased retirement above other paymasters, in accordance with the precedent established in the grant of retired pay and gratuities to combatant officers, under the Royal Warrant of 21st June 1881, section 2?

MR. CHILDERS : Sir, the Question of the hon. and gallant Member appears to be based on the supposition that the addition of £50 to the retired pay of certain combatant officers is given because of their purchase rights. This is not so; and there is, therefore, no analogy whatever between their case and that of the combatant officers who elected to become paymasters. As a matter of fact, I have improved the scale of pensions which I found in force for the Pay Department; and I see no reason for any further change in the arrangement for their retirement.

LAW AND POLICE (IRELAND)—MR. HONE.

VISCOUNT CRICHTON asked the Chief Secretary to the Lord Lieutenant of Ireland, If he is aware that great dissatisfaction exists in Ireland at the narrow

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and limited nature of the inquiry made into the circumstances attending the death by poisoning of Mr. Hone in Limerick; and, whether he will cause steps to be taken to have a further and more searching investigation set on foot?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW), in reply, said, his right hon. and learned Friend the Member for the University of Dublin (Mr. Gibson) had given Notice of a Question to him on the same subject, and, therefore, in reply both to the Question of the noble Viscount and that of his right hon. and learned Friend, he had to say that he had called for a Report into the circumstances attending the unhappy occurrence referred to. Until he had received the Report in question he could not say what course would be taken.

NATIONAL EDUCATION (IRELAND)— DEPARTMENTAL STATEMENT.

MR. DAWSON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether any statement on the Irish National Education system of a similar character to that of the Vice President of the Council on the English and Scotch systems will be made to the House; and, whether the similar aid to that given to voluntary denominational schools in England and Scotland will be extended to Ireland where such schemes are very numerous, highly approved of by the people and recommended for aid by the Royal Commission on Primary Education which reported to Her Majesty in 1870?

MR. W. E. FORSTER, in reply, said, that he should be glad, when he brought on the Irish Education Estimates, to answer any Question on the subject; but he could not promise that a statement should be made corresponding to that made by his right hon. Friend the Vice President of the Council (Mr. Mundella). He thought, however, he could show in debate that aid was given as in England, and to a larger extent.

ARCTIC EXPLORATION—THE NORTH POLE—COMMANDER CHEYNE'S EX- PEDITION.

CAPTAIN AYLMER asked the Secretary to the Admiralty, Whether, consi-

dering the leading part England has hitherto taken in Polar research, and the active energy now displayed by other maritime nations, the Admiralty are prepared to assist in any way the persevering efforts made by Commander Cheyne to organise another attempt to reach the North Pole, especially as the Premier of Canada, Sir John Macdonald, has expressed himself ready to co-operate if the Home Government will support Commander Cheyne's proposed attempt to reach the Pole?

MR. TREVELYAN: Sir, towards the close of 1880 a Committee, which had been formed to advance Commander Cheyne's project of Polar research, applied to the President and Council of the Royal Geographical Society for countenance and assistance. The details of the scheme were considered, and the reply expressed regret—

“That the scheme, as explained by the statement, did not commend itself to the Council, nor, even were it feasible, did the means proposed to be adopted for encountering the great dangers and difficulties necessarily attendant upon such an enterprise appear sufficient.”

Naturally, the Admiralty are much influenced in such a matter by the opinion of the Geographical Society, and they see no reason to depart from the unfavourable opinion which they have, in concurrence with the Geographical Society, formed of Commander Cheyne's proposals with regard to Arctic exploration.

INDIA—THE PAUMBAN PASS.

SIR JOHN HAY asked the Secretary of State for India, If he will state what progress has been made in the works for deepening and improving the Paumban Pass, and what appropriation will be made for these works in the current financial year?

THE MARQUESS OF HARTINGTON, in reply, said, his attention had not been called to this subject until the Question of the right hon. and gallant Member appeared on the Paper. He found that no Report had been received at the India Office as to the progress of the works referred to since 1873. He would take care that information on the subject asked for should be communicated at once. He could not find any appropriation made for the works in the current Estimates.

POST OFFICE (IRELAND)—SALARIES
OF IRISH SUB-POSTMASTERS.

MR. BARRY asked the Postmaster General, Whether he intends taking any steps to increase the salaries of Irish Sub-Postmasters (whose income varies from twopence to sixpence per day); how many memorials he has received in reference thereto; whether the hours of business might not be reduced to something less than twelve hours, as at present; and, whether it be unlawful for Irish Sub-Postmasters to memorial for redress of grievance, as well as any other class of Her Majesty's subjects?

MR. FAWCETT, in reply, said, there was no difference whatever in the position of sub-postmasters in Ireland and other parts of the United Kingdom. In addition to their pay, they received a commission on stamps, on registered letters, and on the number of savings bank and money-order transactions. It must be remembered that sub-postmasters did not devote the whole of their time to Post Office work. They, as a rule, had their business to attend to. It was in no respect illegal for Irish sub-postmasters to memorialize for redress of grievances.

WAYS AND MEANS—INLAND REVENUE
—THE COLCLOUGH STAMP FRAUDS.

MR. HEALY asked the Secretary to the Treasury, Whether any inquiry would be granted into the Colclough stamp frauds; and, whether it would be conducted independently; and, if so, by whom?

LORD FREDERICK CAVENDISH: Sir, all the facts of the Colclough stamp frauds have been fully elicited in the long trial which has terminated in the conviction of Colclough. No further inquiry appears, therefore, to be necessary. The Board of Inland Revenue are taking every precaution to prevent the recurrence of similar frauds in the future.

MR. HEALY asked whether the Estimate for the Department in which these frauds occurred had yet to be discussed?

LORD FREDERICK CAVENDISH, in reply, said, that the salary for this official was included in the Inland Revenue Department Vote, which had been taken.

LICENSING ACTS—TRANSFER OF A
LICENCE.

SIR WILFRID LAWSON asked the Secretary of State for the Home Department, Whether the magistrates of Oxford did, on April 26th 1881, sanction the transfer of a beerhouse licence to Stephen Peedell, who, on the 10th of July 1880, was sentenced to four months' imprisonment for bribery committed at the last Oxford Parliamentary Election; and, if this be the case, whether such crime, conviction, and sentence does not disqualify him from holding a licence for the sale of drink?

SIR WILLIAM HARCOURT, in reply, said, that, as to the second part of the Question, the disqualification which the hon. Member for Carlisle (Sir Wilfrid Lawson) had in his mind did not arise upon a conviction for misdemeanour, but on a conviction for felony; therefore, the action of the magistrates in granting the licence was not absolutely illegal. If, however, the hon. Member wished his (Sir William Harcourt's) opinion as to whether it was an exercise of wise discretion on the part of the magistrates to grant the licence to a man who had just come out of prison, he would say it was not. If he wanted to know what the view of Her Majesty's Government was on the connection between public-houses and electoral corruption, he would find it in the provision of the Bill introduced that Session by his hon. and learned Friend the Attorney General.

CRIMINAL LAW—CASE OF EDMUND
GALLEY—COMPENSATION.

SIR EARDLEY WILMOT asked the Secretary of State for the Home Department, Whether, in conformity with the general feeling expressed by the House in the late Debate, Her Majesty's Government will award the same amount of Compensation to Edmund Galley as was awarded to Habron on a former occasion?

SIR WILLIAM HARCOURT, in reply, said, that, in accordance with the undertaking which he gave the other day, he had put himself in communication with the Treasury on this subject, and he hoped to be able to let the hon. Member know the result in a day or two.

LAW AND POLICE—CRUELTY TO
ANIMALS PREVENTION ACT—
CRUELTY TO A DONKEY.

Mr. MACFARLANE asked the Secretary of State for the Home Department, If his attention has been called to a case tried before Mr. Mansfield at the Liverpool Police Court on Monday last, in which a man named Mahony was convicted of having driven a four-pronged stable fork five or six times into the side of a donkey, the last time with such force that the prongs of the fork were so bent that it could not be withdrawn, and was, therefore, left in the animal's side all night; and, if the facts are correctly reported, he will express to the magistrate his condemnation of the sentence of three weeks' imprisonment with hard labour, for such atrocious barbarity?

SIR WILLIAM HARCOURT, in reply, said, he had already more than once, in answer to Questions, stated it was not within his province to review the gradation of sentences, and if he might be allowed to say so, he did not think it was a function the House could undertake with any great advantage.

SOUTH AFRICA—THE TRANSVAAL—
MURDER OF DR. BARBER.

SIR STAFFORD NORTHCOTE asked the Under Secretary of State for the Colonies, What is the present position of the proceedings for the discovery and punishment of the murderers of Dr. Barber; and, what steps have been, or will be, taken to obtain compensation for his family whether the actual murderers are brought to justice or not?

Mr. COURTNEY: Sir, in reply to the first part of the right hon. Baronet's Question, I have to say that Sir Evelyn Wood telegraphed, on the 11th instant, as follows:—

“Two persons apprehended on the charge of murder of Dr. Barber; but evidence conflicting and undecided. Harrismith Landdrost committed both prisoners for trial on the 14th of September, accepting bail—£5,000—but observed, except for the special circumstances, he should have dismissed the case.”

We have heard nothing since on the matter. In reply to the second part of the Question, I have to say that the Transvaal Government have agreed

to become liable to a certain moderate amount of compensation to widows and orphans in cases like Barber's.

SIR STAFFORD NORTHCOTE: Will any steps be taken to enforce it, and to ascertain the amount of compensation which ought to be paid to the family of Dr. Barber?

Mr. COURTNEY: Sir, there can be no doubt as to the payment of the amount for which the Transvaal Government is made liable. As to the distribution, that will depend on circumstances.

FRANCE AND TUNIS (POLITICAL
AFFAIRS).

SIR H. DRUMMOND WOLFF asked the Under Secretary of State for Foreign Affairs, Whether a French Consul or Consul General has been appointed at Tunis in lieu of M. Roustan; and, whether M. Roustan is invested with any diplomatic or consular function, or is merely the Minister of the Bey of Tunis; also, whether French Diplomatic and Consular Agents claim jurisdiction over Tunisian subjects resident in Ottoman territory; and whether the Porte and other Governments having Diplomatic and Consular Agents in Turkey concur in such a claim?

SIR CHARLES W. DILKE, in reply, said, that the Government had received no official information as to the appointment of a French Consul at Tunis in lieu of M. Roustan or otherwise. Her Majesty's Government had pointed out to the French Government the inconvenience which was likely to arise from the double functions of M. Roustan; and from the manner in which their representations had been received they had reason to believe that a Consul would be appointed, if he was not now appointed. Her Majesty's Government were not informed as to the change of M. Roustan's functions. He had already substantially answered the latter Question, in reply to an hon. Member a few days ago. Papers had been laid before Parliament—*Tripoli*, No. 1, 1881—showing that the French Consular authorities in Ottoman territory had issued notices calling upon Tunisians to register themselves at the French Consulate. In a Parliamentary Paper recently issued—*Tunis*, No. 7, 1881, No. 44—would be

found recorded the view taken by the Porte on this matter and other Papers; and the hon. Member would see what passed on the subject of the protection of Tunisians in Egypt, and at Paris between Lord Lyons and M. St. Hilaire. Her Majesty's Government could not undertake to say what view other Governments took on this matter.

LAND LAW (IRELAND) BILL, CLAUSE 25 —PURCHASES.

SIR WILLIAM PALLISER asked Mr. Attorney General for Ireland, If he would explain whether sub-section 3, Clause 25 of the Land Bill, confers power on the Commissioners, with the consent of the Treasury, to grant a reduction of interest, upon the money due by a purchaser, in consideration of a pre-payment, e.g., assuming the cost to the State of the money, inclusive of expenses, not to exceed 3½ per cent.; and, whether the Commissioners would have power, with the consent of the Treasury, and in consideration of a pre-payment, to reduce the rate of interest to 3¼ per cent.?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW), in reply, said, that as he understood the Question, it was whether, under the section as it now stood, the Commissioners would have the power to make special terms with a purchaser as to the amount of interest to be paid for advances? He was of opinion they would. They would, in fact, have the power to deal on any terms that the Treasury might sanction.

RUSSIA — CONDITION OF FOREIGN JEWS—EXPULSION OF MR. L. LEWISOHN, A NATURALIZED BRITISH SUBJECT.

BARON HENRY DE WORMS asked the Under Secretary of State for Foreign Affairs, Whether he is aware that Mr. Lewisohn has been granted a new passport by the Foreign Office, and that such passport has been viséd with the words "Bon pour la Russie" by the Russian Consul General in London; whether Mr. Lewisohn, who is obliged to proceed immediately to Russia on urgent business, will be allowed, on the strength of such passport and visa, to stay there for such time as he may find necessary

for the transaction of his business, and during his stay there be accorded the protection enjoyed by all other British subjects travelling in Russia; and, whether the Correspondence which has taken place between Her Majesty's Government and the Government of Russia relative to Mr. Lewisohn's illegal expulsion from St. Petersburg will now be laid upon the Table of the House?

SIR CHARLES W. DILKE, in reply, said, it was the case that Mr. Lewisohn had been granted a new passport which had been viséd by the Russian Consul General. Her Majesty's Government would, of course, continue to claim for all British subjects their Treaty rights. The question what were the rights of foreign Jewish subjects had been under discussion between Her Majesty's Government and the Russian Government, as it had long been the subject of correspondence between the Russian and the United States Governments. The Correspondence on the subject was not yet complete, but the first portion of it was put on the Table a week or two ago, and the remainder would be published as soon as complete.

BARON HENRY DE WORMS, in consequence of the answer of the hon. Baronet, said, that, being in hopes that the representations which had been made and which he trusted would be made to the Court of Russia on behalf of Mr. Lewisohn would have the effect of insuring to that gentleman the protection to which he was entitled, he would postpone the Motion of which he had given Notice on the subject until next Session.

CONFISCATED ESTATES (IRELAND).

MR. W. J. CORBET asked the First Lord of the Treasury, If he will cause to be prepared and laid upon the Table of the House, a Return showing the number of the Confiscated Estates of £5,000 acres and over now held in Ireland by proprietors whose ancestors obtained the same from the English Government in the form which appears on the Notice Paper?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW), in reply, said, there would be great difficulty, if not impossibility, in complying with the request for the Return indicated. In the first place, the Government had no

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power to trace the title down from the remote period to the present day in order to see whether the present owner was the descendant of the first grantees. He had himself had considerable experience in tracing titles in Ireland, and there was hardly an estate which had not been the subject of repeated purchase, so that the present possessor was not the descendant of the original grantee. Besides, nearly all these Crown grants had been printed 50 years ago, and were accessible to everyone under the direction of the then Record Commissioners.

LANDLORD AND TENANT (IRELAND)
ACT, 1870—THE ROYAL COMMISSION
—THE REPORT AND EVIDENCE.

SIR WILLIAM PALLISER asked the First Lord of the Treasury, Whether the Bessborough Commission, having received and considered the evidence of the Irish tenants, issued a circular inviting the Irish landlords to send in statements in reply; whether Her Majesty's Government, towards the close of last year, called upon the Commission to forward their Report with the least possible delay; whether the Commissioners framed and signed their Report without having considered the landlords' statements in reply; whether Her Majesty's Government were to a considerable extent guided, in framing the Land Bill, by that Report; whether they were aware, at the time, that that Report was based, as regards evidence, upon the ex parte and un rebutted statements of the Irish tenants; whether the mistaken assertion in the Report, that the landlords' replies were printed in the Appendix, confirmed the Government in the belief that those replies had been considered by the Commission; whether the landlords' evidence was published for the first time upwards of two months after the Report had been signed, and with the dates of the replies expunged therefrom; whether, owing to the suppression of those dates, Her Majesty's Government were ignorant that the landlords' replies had not been considered; whether the Land Bill had been practically settled before the mistake was discovered; and, whether, in consequence, the Land Bill, as well as the Report of the Bessborough Commission was based, as regards evidence, upon the ex parte

and un rebutted evidence of the Irish tenants?

MR. GLADSTONE: Sir, I will endeavour to answer the Question as far as the Government are concerned. In the first place, it is quite correct that the Government pressed the Bessborough Commission to forward their Report with the least possible delay. It is also true that that Report was published without certain replies of Irish landlords to evidence which was given before it. But as to the degree to which the Government was guided by the Report in framing the Land Bill, that is a matter of opinion, and everyone can form his own judgment on it by comparing the Report with the Land Bill. We were quite aware that, at the time when that Report was published, it did not contain the counter statements of the landlords; but those counter statements were received about March 10, and the Government had not at that time concluded the consideration of the Irish Land Bill. Perhaps I may here explain, as it is a matter in which interest is taken in the House, that of the 22 editions of the Land Bill to which reference has been made, by far the greater number were unknown to myself. They really signified a wise practice on the part of the draftsman, that whenever an alteration had been made, to put it in print with a view to a more close and accurate estimate of its effect. But I believe there were about four of those editions which went to the Cabinet. The consideration of the Land Bill was not finally concluded until some time after the replies of the Irish landlords had been received and considered. I ought also to say that the consideration of the Land Bill was commenced before the Report of the Richmond Commission was received, with the very important recommendation it contained; but that Commission also made its Report while the plans of the Government were under consideration.

SIR WILLIAM PALLISER said, the right hon. Gentleman had not answered his Question, whether the Government were aware that the replies of the landlords had not been considered by the Commission?

MR. GLADSTONE: Sir, the Government had not received these replies at the time when the Government commenced consideration of the subject, but

received them while the subject was under consideration. With regard to the Question as to when and how far the replies were considered by the Commission, that is a question which had better be put to the Commission itself.

LAND LAW (IRELAND) BILL—THE LORDS' AMENDMENTS.

MR. MACDONALD: I rise, Sir, to a point of Order. I wish to ask you, whether it is competent to any hon. Member to move the rejection of the Lords' Amendments as a whole at once, and so save the House the trouble of considering them again?

MR. SPEAKER: On the Order of the Day being read for the Consideration of the Lords' Amendments, the hon. Member, if he thinks proper, may move that those Amendments be considered three months hence. The hon. Member is at liberty to do that; but I think it only right to inform him that, if the Motion were carried, it would involve the loss of the Land Bill.

NAVY—THE POSITION OF NAVIGATING AND WARRANT OFFICERS.

In reply to Sir H. DRUMMOND WOLFF,

MR. TREVELYAN said, that the Naval Lords of the Admiralty watched the fortunes of the old navigating officers, who would not suffer by the ultimate abolition of their service beyond the regret which that abolition naturally caused them. With regard to the warrant officers, the Admiralty were quite determined that that service should always be made sufficiently attractive to bring to it the best men in the Navy.

THE PATRIOTIC FUND — MR. HAMILTON.

In reply to Sir HENRY HOLLAND,

MR. CHILDERS said, he had heard, to his regret, though not officially, that Mr. Hamilton, the Accountant General of the Admiralty, had ceased to be a member, not of the Commission, but of the Committee which was appointed by the Commissioners of the Patriotic Fund. When the Bill now before Parliament received the Royal Assent the Government would then consider the question of the appointment of another Commissioner.

Mr. Gladstone

ORDERS OF THE DAY.

LAND LAW (IRELAND) BILL.

CONSIDERATION OF LORDS REASONS AND AMENDMENTS.

Order for Consideration of Lords Reasons and Amendments read.

Motion made, and Question proposed, "That the Lords Reasons and Amendments be now considered."—(*Mr. Gladstone.*)

MR. PARNELL said, he wished to ask the Prime Minister whether, considering that the House had already once considered the Amendments, he proposed, before dealing with the Amendments *seriatim*, to make any general statement to the House as to the course which he recommended the House to take with reference to the consideration or rejection of the Amendments?

MR. GLADSTONE: Sir, we have endeavoured to weigh with care the question to which the hon. Member has just referred, and indeed we did weigh it with care on a former occasion, when first the Amendments came back from the House of Lords, and we came to the same conclusion on both occasions. The main reason for that decision is this—that it would be unsatisfactory were I to make a selection from these Amendments of what I might think most material, for I might convey a very untrue impression by leaving out Amendments which other hon. Gentlemen might deem equally material. On the other hand, if I were to endeavour to go through the whole of the Amendments and state the course to be taken by the Government upon each of them, I should, in the first place, a good deal bewilder the House by the intricacy of details, and likewise occupy a good deal of its time. I should not like to do that if it can be avoided. So we propose to take the Amendments *seriatim* upon their merits, and to ask the House patiently to accompany us through them in a task which, at any rate, is one of diminished scope and labour. The first Amendment of the Lords—

MR. SPEAKER: The Motion is, that the Lords' Reasons and Amendments be now considered.

MR. T. P. O'CONNOR said, before that Motion was put to the House, he

wished to ask whether it was not a fact that in 1870, when the House was in the same position as at present—namely, considering the Lords' Amendments to the Landlord and Tenant (Ireland) Bill—the Prime Minister did not, at the request of Mr. Disraeli, make a general statement upon the Amendments before the House?

MR. GLADSTONE: I think that is very likely so; but the Amendments which were in question between this House and the Lords in 1870 were by no means of the same character and of the same complexity as on the present occasion.

MR. O'DONNELL said, he supposed there was no use in an Irish Member putting further questions; but he must express his regret that the Prime Minister had not felt it within his power to make a statement. The conduct of the Government in this matter would tend to embarrass the action of those Irish Members who were particularly interested with the care of the tenants' interests, and would lead to the impression that the Liberal Party had preferred surrender to dissolution.

MR. DILLWYN said, he was sorry to trouble the House; but he and many others had not troubled the House at all on the Land Bill, and he did think it right, therefore, to say a very few words on the present occasion. They had been heretofore almost silent in connection with the passing of that important measure. They had been, in consequence, he might say, exposed to suspicion on the one side among their own Friends, and on the other to the taunts of their Opponents, because of the silent attitude they had assumed. They had been charged with treason on the one hand, and on the other they were told they were blind followers of the Government. They had not noticed these charges, and they had not noticed the taunts. They were willing to sit there, under those imputations, and give a silent and frank support to the Government in pressing on that great measure; but they did that, not out of any indifference to the Bill, not from indifference to the clauses it contained, but from the conviction that Her Majesty's Government had a most important, and most solemn task, he might say, before them, and that their best and first duty was to support frankly and cordially

the Government, at the head of which was a Minister in whom they had entire confidence, in passing the measure which he had just now described. They had done so, and their labours, after a long time, had almost been set at naught, as it appeared to them, in "another place." They, the Representatives of the people, supporting the Government of that country, after a long series of discussions, had come to resolutions which had been set at naught by those who were not the Representatives of the people, and those who were not the Government of Her Majesty in that country. They felt deeply grieved at the issue—he did, at all events, for one—and he rather regretted, in accordance with what had fallen from the hon. Member opposite (Mr. Parnell), that they had not at once, before entering on any part of that discussion, had a preliminary statement from Her Majesty's Government. They looked to Her Majesty's Government still pursuing the course that would uphold the main principles of the measure that they had so well brought to a conclusion, as far as they were concerned; and so long as they continued to do so he, for one, should give them his full and cordial and silent support, as he had hitherto done; but he did hope, and hoped most sincerely, that no material concession or change would be made in response to that irresponsible Body he had spoken of. If the Government did make such concessions—he was only speaking for himself, he could not speak for others, although he had been in communication with a large number of hon. Members—he did not think they would receive the cordial support which up to that time had been accorded to them from Radical Members below the Gangway.

MR. HEALY said, that, in his opinion, the House had good reason to thank the hon. Member for Swansea (Mr. Dillwyn) for the remarks which had just fallen from him. He (Mr. Healy), on his part and that of his hon. Colleagues, however, felt bound to express his dissatisfaction with the course taken by the Government. That course inspired the Irish Members with a great amount of distrust. He and his Colleagues had found, upon all former occasions, that when the Government had taken a course of the kind which they were then taking, and compromises had been arrived at, the Irish tenants

was always the sufferer. That was the course pursued in 1870, and it now appeared that the Prime Minister did not propose to make any statement. They, of course, could imagine why he did not. If the right hon. Gentleman had to make a statement satisfactory to the general body of the House, it would simply be that the House of Commons should send back the Bill to the House of Lords. The Commons' Reasons for disagreeing to the Lords' Amendments were in black and white, and the Government should simply insist upon retaining that disagreement. But the Government had chosen another course, in which might be plainly seen the germs and beginnings of surrender.

MR. D. GRANT said, that he should think those who represented large constituencies would best fulfil their duties by stating their opinions in the situation where they now found themselves. He should feel it his duty, if any large concession were made in the Bill as it now stood, to vote against the Government. He was quite sure that those who, on the opposite side of the House, might be intending to urge Her Majesty's Government to surrender, were preparing for themselves a pitfall which they could not at the present moment realize. There were conditions underlying this question and this state of affairs which, if the matter were forced to an issue, would bring about consequences such as hon. Members little dreamt of. They would find that consequences would recoil upon themselves, which even those who might desire so to do would find it impossible to control.

MR. ANDERSON: After some of the remarks made by some of the hon. Gentlemen on this question, I feel bound to say a few words, if possible, to deprecate the violent counsels that we have just heard. I do venture to hope that, whatever happens, the labour that has been expended upon this Bill will not be thrown away. The Bill is, to a large extent, a very good Bill; and if it were carried, even in its present form, it would be a most valuable measure for Ireland. It gives you your Court; you can start that Court immediately, and have it in operation; and, if you refuse, what better will you get and when? I do not wish to accept all the objections that the Lords take; but I say that it is essentially a case for compromise. The two Houses seem

to have arrived tolerably near each other, and I do hope that the labour that has been given to the Bill will not have to be gone over again. If you want to fight the Lords—and I am quite as ready to fight them as anyone—it will be quite as easy to fight them upon a Supplementary Bill next Session as upon this one. What I would advise would be to press for all you can possibly get, but do not throw over the Bill. If you cannot get all you want, bring in a Supplementary Bill next Session, and fight upon that.

MR. GLADSTONE: Sir, as I have only answered the question of the hon. Member for the City of Cork (Mr. Parnell) as to why I did not, upon this occasion, offer a few general observations upon the matter as a whole, perhaps the House will allow me to say one or two words upon what has fallen from the hon. Member for Wexford (Mr. Healy) and the one or two other hon. Gentlemen who have taken part in this very short discussion. Now, Sir, the principle which we have adopted on the present occasion is that which we likewise adopted on the former occasion. We have gone through the Amendments on their merits, and have endeavoured to consider them on their merits, one by one. I have heard the word "compromise" made use of. Now, that, I must say, is a word I should not wish to apply to our proceedings in the consideration of the merits of the Amendments, with an earnest desire to draw a distinction between real differences in principle, and cases where there may be some motive, some object to be served, not by us yet felt, yet fully understood, and yet not in itself illegitimate as involving any principle. This we consider to be a very important portion of our duty. The hon. Gentleman the Member for Wexford has stated that there should be but one satisfactory method of dealing with the subject, and that would be to make a general statement which should involve a universal negative on the Lords' Amendments. Well, Sir, I do not agree with that. I know not what it may be, whether it is parental instinct on the part of Her Majesty's Government, or whether it be an enlightened view of public policy; but, undoubtedly, I think there is in our minds a much greater desire to keep alive the present Bill, and to carry it

Mr. Healy

into law, than appears to suggest itself to the mind of the hon. Gentleman. The hon. Gentleman refers to the proceedings which were adopted in 1870, and, at the same time, when he says that he considers it an evil omen that the Prime Minister has foreborne to trouble the House with a general statement, he also says that in 1870, in like manner, we compromised the interests of the tenants by the concession we made to the House of Lords. But, at any rate, I think the hon. Member ought to infer, rather hopefully than unhelpfully, from our forbearing to make a general statement on this occasion; because, in 1870, when, as he said, we compromised the interests of the tenant, we did commence the operation with a general statement. With regard to what fell from my hon. Friend the Member for Swansea (Mr. Dillwyn), it is not necessary for me to repeat the expressions of gratitude, which I ventured a few nights ago to lay before the House, with respect both to the amount and the nature of the support which has been afforded to the measure in various quarters of the House, especially on this side of the House, and which alone has enabled us to overcome the great difficulties presented by the subject and the circumstances of the case; but my hon. Friend has told us, with perfect frankness, that if we departed from the essential principles and structure of the Bill, we must expect him giving votes adverse to our own. I am not surprised at that declaration. It will not be any part of our duty to repeat the announcements made at a very early stage of these discussions with regard to the nature of the obligations incumbent upon us. I do not think it is the course most befitting either our own dignity, or the relations between the two Houses of Parliament, to indulge incessantly or repeatedly in declarations which, I think, once made, if they are believed, are sufficient. That is, perhaps, all that it is necessary for me to say on this occasion. I believe, upon the whole, the House, if it is satisfied with the general spirit in which we have endeavoured to conduct our part of the deliberations and of the decisions on this Bill, will be inclined, having trusted us thus far, to trust us to the end, and not to refuse to enter upon the detailed considerations of the Amendments to which we now respectfully ask the House.

Question put, and *agreed to*.

Lords Reasons and Amendments *considered*.

Lords Amendments to Commons Amendment to Lords' Amendments in page 2, lines 5 and 6, read a second time.

MR. GLADSTONE: Sir, there are embraced in this paragraph two Amendments which probably I may be allowed to consider as one, in consequence of their entering into the same sentence, belonging to the same subject, and virtually forming a unity. The first is, that the Lords have struck out our words "substantially maintained," and have inserted "or acquired and have in the main been upheld." The other is that they have left out the word "and" and have inserted the word "or." Now, Sir, with regard to the first of these Amendments, we are not able to concur in it, and for this reason. It divides itself into two parts. The Amendment as it stands—"acquired and have in the main been upheld"—first directs us to the sense of the word "acquired." Well, Sir, the introduction of that word, it appears to us, would, by a strange process, introduce into the category of English-managed estates, estates or holdings which have never had the smallest pretension to that character, but which, notwithstanding, having passed into the hands of the landlord by the total extinction of the tenancy—as, for instance, upon an eviction—do correspond to the term that the landlord has acquired the improvements. For, in that case, undoubtedly, he has acquired them. But, at the same time, these are cases which in no manner enter into the spirit of the original proposal of my hon. Friend the Member for Great Grimsby (Mr. Heneage), or in the steps the Government have taken to give effect to the spirit of that proposal. So also with regard to the words "in the main upheld." These are proposed to be substituted for the words "substantially maintained," on the ground that the words "substantially maintained" might be construed to exclude cases to which it is the apparent intention of both Houses that the clause should apply. Now, Sir, we are totally unaware of what these cases are; and, believing that we understand our own words, and believing that they give a just effect to the intentions

of the House, we are very reluctant to agree to the admission of other words which we do not so well understand, and which we think that the Court would be apt to construe, from the very fact that they were introduced as an alternative to the words "substantially maintained," in a sense different to that which we understand and have fully expounded in this House, and which we think was generally recognized as reasonable in this House. Consequently, Sir, we do not agree to that Amendment. With regard, however, to the introduction of the word "or" in lieu of the word "and"—[*A laugh*—though it excites hilarity, I am bound to say that the case was stated with perfect accuracy by the noble Lord (Lord John Manners), that in strictness the word "and" applies to one of the two alternatives "acquired and maintained," and the word "or" to the other; and when we come to that word we shall propose words to give effect to that portion of the Lords' Amendment, so far as it is embraced in the description of the noble Lord. I, therefore, propose, in the first instance, to disagree with the Lords' Amendments.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendments."—(*Mr. Gladstone.*)

MR. GIBSON: Sir, the Prime Minister has very clearly given us the reasons why he asks the House to dissent from the Amendments which the Lords made in the present instance. I regret that the right hon. Gentleman is not able to acquiesce in the proposal of their Lordships, for the grounds upon which the other House stated that the Amendment was made were to the effect that the words "substantially maintained" would exclude many cases to which the clause was intended to apply. Those grounds are founded upon this reasoning, that many people who have English-managed estates would be unable to satisfy the requirements of the Court, and to show that every single improvement had been maintained by them, and therefore lose the benefits of the provision. The way in which it now stands is that the House of Lords, although they omitted the words "substantially maintained," have endeavoured, in another form, to present, in a mitigated extent, the ori-

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ginal idea of the House of Commons. I admit it is extremely difficult, once the element of substantial maintenance is retained in the Bill, to present it in any form which will not be open to a great deal of criticism. I have criticized it, and there will always be to the end of the chapter criticisms upon the idea intended. I myself would have been very glad if the Prime Minister had seen his way to agree to the drafting sent down from the House of Lords, because, as I believe, it would have carried out the declared intention of the Government, and would, to some extent, have met the objections which I took to the earlier drafting.

Question put, and agreed to.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) moved to amend the Amendment by leaving out the words ("or acquired and have in the main been upheld") and insert in lieu thereof the following words:—"By the landlord or his predecessors in title, and have been substantially maintained"); and in the next line to leave out the word ("or") and insert the word ("and").

Motion agreed to.

On the Motion of MR. ATTORNEY GENERAL for IRELAND, further Amendment made by leaving out the words ("made or acquired").

Lords Consequential Amendment in page 2, line 18.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) moved to agree with the Lords' Amendment, explaining that the alteration was of an unimportant nature.

Motion made, and Question proposed, "That this House doth agree with The Lords in the said Amendment."—(*Mr. Attorney General for Ireland.*)

MR. PARNELL said, he should consider it a very prejudicial Amendment to the interests of the tenants, and one that should be resisted, if a landlord were to be allowed to claim in respect of improvements which were not made or acquired by him or his predecessors in title.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) admitted that the Amendments were becoming some-

what difficult to follow, and pointed out that as it was required that all the improvements should be made by the landlord or his predecessor in title, it was quite clear that left nothing to be made by the tenant.

MR. HEALY said, that although their Lordships appeared to have had no difficulty in dealing with the Amendment, they had returned it in such a muddled condition that no one could understand it at all.

Question put, and *agreed to*.

Lords Amendment in lieu of the Lords Amendment in page 2, line 28, disagreed to by the Commons, read a second time.

MR. GLADSTONE: Sir, this is an Amendment of a somewhat wider scope than the first one with which we have had to deal. Although not, after all, of a very wide scope, it has been the subject of very strong feeling and lively interest on both sides of the House, because each side has thought that considerations of justice were deeply involved in the particular view which they took. It is only fair that I should make this admission—that the House of Lords has, by a recent change in the form of their Amendment, greatly limited its effect as compared with the shape in which it left the Commons. Her Majesty's Government have considered the Amendment in its new form with very great care, entirely with the view of ascertaining what will meet the justice of the case; and I am bound to say that although I give very great credit to the House of Lords for the motives that have induced them to propose this new form of the Amendment, the alterations which they have made in it do not meet the objections in principle which lie against it. It has even, by a strange chance, probably increased the strength of some of those objections. I admit that there is one case, which some hon. Gentlemen have put hypothetically, and which, if it really existed, and was the subject of anxiety, would not fall within the scope of the observations I am about to make. I mean the case in which the landlord is supposed to have purchased the tenancy without a change of tenant. Where that case exists, I freely admit the observations I am about to make will not apply to that particular case; but the case the Government have before them is the

ordinary case where the landlord purchases a tenancy upon a change of tenant. Now, Sir, I wish, without distinction of Parties, to put to the House this very commanding consideration, which, I think, does not admit of reply; and, I may say, I am glad to see the right hon. and learned Member for the University of Dublin (Mr. Gibson) in his place, because no one has paid greater attention to the provisions of the Bill than he has done, and no one more thoroughly understands its principles than he does. In the opinion of Her Majesty's Government the Amendment, as it now stands, appears to throw overboard one of the main principles of the Bill. It throws overboard the case of three-fourths of Ireland. I will not speak of the usage, somewhat corresponding to the Ulster usage; but it throws overboard everything except the purchase of the tenant right in the case where the Ulster tenant right prevails, and it provides that the Court shall have a general authority, according to what it may think just, to award to the landlord upon the first sale of a tenancy, after the passing of this Act, such consideration in money out of the price realized by the sale of the tenancy as it may think fit and such as will recoup him for the amount he has expended in the purchase of the tenant right. Every care has been taken by the Lords to limit the amount of that claim; but their Amendment, of course, implies that the landlord has a legitimate claim upon that consideration money, and that is an admission which, after very careful consideration, we cannot bring ourselves to make. And the first and main reason for our objection is this. The purchasing Ulster landlord has placed himself, and has placed his incoming tenant, in the exact legal position of the landlord and tenant all over Ireland, and by law his relation to his tenant, after he has purchased his tenant right, is precisely that of the landlord in Ireland to his tenant where no tenant right ever prevailed, or, at least, was ever recognized. That being so, it seems to the Government to follow inevitably from this, that if the legal position and relation of the Ulster landlord and the Ulster tenant is equal to those of landlord and tenant all over Ireland, the Government cannot consent to introduce a distinction to the prejudice of the Ulster tenant. It would be

to the prejudice of the Ulster tenant, because the Amendment, as it stands, imposes upon the tenant who may sell his tenancy a liability that does not attach to the price of the tenancy in any other portion of Ireland. I frankly own we think that is a conclusive objection to the Amendment. There are certainly other objections—many other objections. For example, it is proposed to give to the Court a discretion in this matter without any indication of any sort whatever how it is to proceed, or without any guidance from previous practice in Ireland, or from the practice of neighbouring estates. It is not said whether the Court is to consider the price that the landlord may be paid, or the price that the tenant has to get; and we do not think it right to give to the Court this discretion without, at the same time, applying some standard or indication for its exercise. I said just now that other landlords purchased the tenant right, and the landlord and the tenant were placed in the same position as every other landlord and tenant all over Ireland legally; but actually the Ulster landlord is placed in a better position, for this reason, because he knows, and his tenant knows, that every improvement upon the farm up to the date of purchase of the tenant right belongs to him, and him alone; whereas the other landlords in Ireland have no such certainty as to their title to this or that improvement upon their farms. Then, Sir, it must always be borne in mind that when the Ulster landlord purchases the tenant right, the main thing he purchases is these very improvements, and these very improvements are there in his hand. They are not handed over to the tenant for him to sell and pocket the price. They are absolutely the property of the landlord; and by the 8th sub-section of the 1st clause of this Bill, the Government have carefully endeavoured, as they were bound in justice to do, to secure that they shall remain the property of the landlord, unapproachable by the tenant. It may be said that if the landlord, as is perhaps the case in certain instances, has purchased up the tenant right, and has made no addition to his rent, the then tenant has, up to the present time, had the benefit of improvements for which the landlord has paid, without being called upon to pay any rent in respect of it. That may be

perfectly true, and so often as it is true it is unquestionable that the tenant has sat at a rent lower than fair rent. No doubt at all about it. But can we go back upon the rent? The Government think not. If we were to go back upon a rent lower than the fair rent, we should be compelled to go back in the case. But there is another inference that can be drawn, and which would be quite irresistible, and it is this—that if we are to go back upon cases where the tenant has sat at a rent lower than the fair rent, we must be prepared to go back upon cases where the tenant has sat at a rent higher than the fair rent; and the consequence of that investigation we were not prepared, nor would it be at all politic, to encounter. On those grounds, and with that understanding of the matter, I am compelled, while I admit the spirit in which the change was made, yet, in deference to what we think the reason in the case, to move to disagree with the Lords' Amendment.

Motion made, and Question proposed,
 "That this House doth disagree with The Lords in the said Amendment."—
 (Mr. Gladstone.)

MR. GIBSON: Sir, the Prime Minister said no more than was just when, in comparing the present Amendment with that which was previously sent down, he said that it was largely modified, and was confined to a very limited number of cases. Really, this Amendment seeks in the most moderate way, subject, as far as possible, to all the restrictions which justice could suggest, to meet what is a special case, and of course a case of not very wide operation over Ireland. There are a limited number of landlords who have purchased up their tenant right in Ulster, and a few other places in Ireland where an analogous custom prevails, and this provision merely seeks to give to the Court, not a power of paying back to those landlords the purchase money that they gave, but merely the power of considering all the circumstances. I should be glad if the Prime Minister saw his way to accept the Amendment in its present form, or if he would suggest Amendments upon it which would bring it into harmony with the requirements of the case. I do not think the Amendment would operate to the prejudice of a single tenant in Ireland—in Ulster

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or elsewhere—because it must be remembered that the tenant came into possession of his holding free from the obligations of every other tenant—namely, the purchase of his holding. The right hon. Gentleman said that the remedy of the landlords would be found elsewhere in the Act. That may conceivably be so; but there is not in the Bill a remedy which I think many landlords in Ireland would readily see. I do not think that even under this Act they would, in pursuit of a remedy, gladly raise their rents.

MR. PARNELL said, he had listened with great pleasure to the remarkably clear statement of the Prime Minister, in which he stated his reasons for opposing the Amendment. It must be noticed, however, that the Amendment only affected the Province of Ulster, and it had been rumoured that that Province was to be favoured in the compromise which had been arrived at with regard to the Lords' Amendments; but he trusted that the Government would adopt a similarly firm attitude when they came to the other Amendments affecting the Province of Munster.

SIR STAFFORD NORTHCOTE: Sir, I only rise to say that my right hon. and learned Friend (Mr. Gibson) has fully expressed the objections which we still feel to the course proposed by the Government. We are not satisfied at all with the reasons which have been given by the Prime Minister; but I do not think it would be advisable to enter into a prolonged discussion of the matter. Still, while reserving our opinion, we do not think it desirable to put the House to the trouble of a division.

Question put, and *agreed to*.

Lords Consequential Amendments in page 5, lines 10 to 13.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he thought the Lords' Amendments reasonable ones, and he would ask the House to agree to them.

Motion made, and Question, "That this House doth agree with The Lords in the said Amendments," — (*Mr. Attorney General for Ireland*,) — put, and *agreed to*.

Lords Amendment to Commons Amendment to Lords Amendment in page 5, line 43.

Motion made, and Question proposed, "That this House doth agree with The Lords in the said Amendment." — (*Mr. Attorney General for Ireland*.)

MR. CHARLES RUSSELL wished to point out to hon. Gentlemen opposite that this was a distinct concession that would be highly valued by many Irish landlords. By the Common Law the right of killing game belonged to the occupier of the land, though the landlords, when they gave leases, usually reserved the right to themselves; but most Irish holdings were subject to no such reservation, and the Amendment, therefore, gave the landlords a right that would be much esteemed.

MR. HEALY considered the Amendment ought not to be agreed with, and as the Government had made three concessions to their Lordships, he thought it was time there should be a division. The right hon. and learned Gentleman the Attorney General for Ireland could not contradict what had been said by the hon. and learned Member for Dundalk (Mr. Charles Russell), and he (Mr. Healy) did not see why they should accept the Amendment, and so deprive the tenant of what was his by law. He, for one, was not prepared to give way on this point, and should certainly divide the House on the subject.

Question put, and *agreed to*.

Lords Amendment in page 6, lines 3 and 4, as since amended by The Lords.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that the Lords had assigned the following as the Reason they would give for this Amendment:—

"Because it is essential that there should be no doubt that, during the continuance of a statutory term, mines and minerals, coals, and coalpits, are the exclusive property of the landlord, and that the tenant should have express notice thereof."

He (the Attorney General for Ireland), however, thought it an insufficient reason, because nobody except their Lordships supposed these things were included in a holding under statutory conditions. However, they wished to have it in this fashion, and, as the clause had at length been so altered as to enact nothing inconsistent with the rights that had been recognized as belonging to the tenant, he consequently did not object to the Amendment.

Motion made, and Question proposed, "That this House doth agree with The Lords in the said Amendment."—(*Mr. Attorney General for Ireland.*)

MR. PARNELL asked, whether in a case where the tenant, under his contract of tenancy with his landlord, had a right to work a coal or other mine on the holding previously, the tenant would not be debarred from the right by the acceptance of the Amendment?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, that if such a case were to arise, no doubt there might be such a difficulty as was just suggested by the hon. Member; but he never yet knew of a yearly tenant having a lease of a coal mine. However, there could be no objection to adding the following words:—

"Subject to such rights as the tenant, before commencement of the said statutory term, was lawfully entitled to exercise."

Question put, and *agreed to*.

On Motion of MR. ATTORNEY GENERAL for IRELAND, said Lords Amendment *amended*, by inserting after the word "coalpits" the following words:—

"Subject to such rights in respect thereof as the tenant under the contract of tenancy subsisting immediately before the commencement of the statutory term was lawfully entitled to exercise."

Amendment, as amended, *agreed to*.

Lords Amendment, in page 6, line 8.

MR. GLADSTONE said, in consequence of the peculiar nature of the action they were now engaged in, it sometimes happened that a Motion was made for the disagreement with an Amendment when the intention was to meet it, and *vice versa*, and that was one of the cases he now had before him. In the Bill, as amended by their Lordships, hon. Members would find the words "consequent upon an increase of rent" had been inserted. He should propose to strike out those words, and after that was done he should propose to insert in the blank thus created the words "save as hereinafter provided." The real question at issue was this—whether they were or were not to maintain the security of the tenant against resumption by the landlord, for what he might call landlord's purposes, during the first statutory term. They were distinctly of opinion that they must adhere to the

character the House had given to that statutory term. He did not say that no sacrifice of the landlord was involved in imposing that condition on his interest, yet he was quite certain that the sacrifice of the landlord was altogether immaterial as compared with that belief that would go forth in Ireland were they to destroy the idea which he believed so justly prevailed in the minds of the people, that for a certain moderate term they would be free from the landlord resuming possession. On that ground he adhered substantially to the original intention of the Government. The form of the Motion would therefore be to disagree with the Lords' Amendment, with the intention of having it amended as he had proposed. Though apparently agreeing to the Lords' Amendment in form, they were in reality rejecting it.

Motion made and Question, "That this House doth disagree with The Lords in the said Amendment,"—(*Mr. Gladstone.*)—put, and *agreed to*.

Motion made and Question proposed, "That the said Amendment be amended by inserting, in page 6, line 7, after the word 'tenancy' the words 'save as hereinafter provided.'"—(*Mr. Gladstone.*)

MR. GIBSON said, as explained by the Prime Minister, the Amendment involved only a verbal change, and did not make any substantial variation at that point. The words of their Lordships, even if they remained as they were, were only introductory to a change made in a subsequent clause in a different form.

MR. CALLAN asked the meaning of the substituted words "hereinafter provided?" The omitted words, "consequent on an increase of rent," were clear and specific. He thought the change was more than verbal, and he was very suspicious when he found the right hon. and learned Gentleman the ex-Attorney General for Ireland in so amiable a mood with reference to this compromise. This compromise was injurious to the tenant and to the Bill. It was a compromise made in the fell spirit of Irish landlordism.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, the substitution of these words did not make a particle of difference in the effect of the sub-section. They referred by anticipa-

tion to the 3rd sub-section of Clause 7, which created the statutory term.

MR. O'DONNELL asked whether they were to consider that the objection of the Lords to the form of words was of such a character that it could be met by a merely verbal Amendment?

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, at this particular place that was the case.

MR. LEAMY said, he could not help feeling that this was a concession of words where they had refused to concede principles, merely for the purpose of pleasing the Lords and soothing the Marquess of Salisbury. It ought not to be made, for it should be recollected that the Government passed this section through Committee and on Report without permitting any alterations.

SIR STAFFORD NORTHCOTE said, that, as he understood it, there were two kinds of tenancies, which might be called first-class and second-class tenancies. As the Bill now stood it was to the effect that during the continuance of a tenancy of the first class there should be certain rights. The House of Lords had proposed to strike out the words confining it to the first class, so as to make the provision applicable to both classes. The Government proposed to disagree with that, thinking it would destroy the Bill, and they proposed to do it in this way—that there should be certain rights in all cases, except those of the tenancies of the second class, which was precisely the same thing. On their side he and his Friends did not agree to the substance of that proposal, as they thought the Lords were right, and that no preference should be given to one class over another. Still, they would not take a division on the question.

MR. W. E. FORSTER said, it was a matter of great importance that the power of resumption on the part of the landlord during the first term of 15 years should not be conceded, and the Government had no intention of conceding that point. They thought the words now proposed were really better words for their purpose than the words that originally existed, because they pointed to an after provision which was to be the exception which they thought they ought to maintain.

MR. HEALY complained that Members could not get copies of the Bill, and, therefore, were unable to follow

the discussion. This was miserable two-penny-half-penny economy.

MR. SPEAKER said, the re-printing of the Bill was by order of the House of Lords.

Question put, and *agreed to*.

Amendment, as amended, *agreed to*.

Lords Amendment, in page 6, line 37, as since amended by The Lords.

MR. GLADSTONE said, the question of compensation for disturbance had receded into a position of much less importance under this Bill than it occupied under the Act of 1870. At the same time, the Amendments made in the disturbance scale by the Government, and subsequently by the House, were made after much consideration, and he saw no reason for departing from them. He therefore moved that the House disagree to the Lords' Amendment.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendment."—*(Mr. Gladstone.)*

MR. GIBSON said, he would venture to say that this was a clause which would be very rarely appealed to, and why the Prime Minister should have so resolutely stuck to it all along, was one of those things which would puzzle posterity. His (Mr. Gibson's) views were that the scale should be struck out altogether, for it was one he could not understand, being both illogical and unnecessary, both root and branch; but what was now in dispute was a small matter, the Lords having only made two modifications on the figures of the scale, and he therefore could not understand the hostility of the Prime Minister to the proposal.

Question put, and *agreed to*.

Lords Amendment in page 8, lines 15 and 16.

MR. GLADSTONE said, this was a case where substantially there was a great disposition to arrive at an agreement upon this point, and the Government, though wishful to insert words to meet the general views, were prevented from doing so by the Forms of the House. He therefore moved, in point of form, to disagree with the Lords—that was to say, to retain their own words, but to add words equivalent to the Amendment

of the Lords which would leave exactly the same breadth of choice on the whole. The words he proposed to add were—

“Or having otherwise failed to come to an agreement with the tenant as to what is a fair rent for the holding.”

It was quite the same thing. [Mr. HEALY: Hear, hear!] But he must add in fairness that the words were founded on what was substantially the sense of the House of Commons.

Motion made, and Question proposed. “That this House doth disagree with The Lords in the said Amendment.”—*(Mr. Gladstone.)*

MR. HEALY said, it was very evident that their Lordships had been encouraged to make this change in the Bill owing to the action of the Government the other night. The Amendment practically conceded all that their Lordships wanted. The Bill treated the parties on equal terms, and it would go to Ireland not in the shape of a message of peace, but in the shape of a threatening letter. Whenever the Bill passed, there would not be a landlord in Ireland who could not write a threatening letter to every one of his tenantry to bring him into Court. As now arranged, that was an unfortunate and miserable Bill, and every tenant would be shaking in his shoes the moment he had a disagreement with his landlord. He denounced the change in the Bill. It was one of the most disadvantageous changes that had been made, and it would result in making the Land Court one of the most unpopular institutions in Ireland.

MR. GIBSON said, he should be very glad if he could recognize the vital nature of the change; it required the acute ability of the hon. Member for Wexford (Mr. Healy) to discover it. So far as he could see, the Amendment made, practically, but little change in the position of the landlord. He and his Friends had all along contended that the landlord should be able to go into the Court unfettered by any restriction, and on equal terms with his tenants.

MR. W. E. FORSTER said, the change seemed to him to be calculated to improve the relations between landlord and tenant. The hon. Member for Wexford (Mr. Healy) was quite mistaken as to its probable effect. Her Majesty's Government thought it was undesirable

that if the landlord wished to obtain a fixity for the first 15 years, the only road by which he could get it should be by demanding an increase of rent. It would be better that it should come by trying to make a bargain with his tenant; and if he could not do so, then he could go into Court. It would be an advantage to the landlord that he should be able to get fixity for 15 years, without demanding an increase of rent. There was no obligation put on the tenant to say what he thought should be the reduction. The Government had always protested against that, because of the different circumstances in which the tenant was placed as compared with the landlord.

MR. MITCHELL HENRY observed, that whether the proposal would be oppressive to the tenant or not depended entirely on the expense. If the Court was constituted as cheaply as it ought to be, there would be no oppression at all. Until lately the tenants had only asked for equal right of access to and advantage before the Court with the landlords. The Assistant Commissioners, if they were employed properly, would be arbitrators going through the country, and would prevent the necessity of formal proceedings before the Court.

MR. PARNELL said, the hon. Member for Galway County (Mr. Mitchell Henry) was in error in his statement, that the tenants were content to be placed on an equal footing with the landlords in regard to access to the Court. The hon. Member had himself voted for a Bill introduced by the late Mr. Butt, which provided that the Court should be open only to the tenant; and when the matter was brought up at meetings of the farmers, and when his Bill was criticized in the House, Mr. Butt always pointed out that it was most desirable that the Court should not get a bad name in the minds of the tenants as being a Court to which they could be forcibly brought by the landlord, but should be a kind of refuge to which the tenant could resort whenever he wished. Mr. Butt said the landlord could always bring the tenant into Court by means of a notice to quit, or by trying to increase the rent. The position of the two parties was entirely dissimilar. The landlord had a great many other remedies; he could recover his rent in a variety of ways, and could sell the tenants' interest;

Mr. Gladstone

and he thought it most unfair that now, at the eleventh hour, an additional remedy should have been given to the landlord. They, by such a proceeding, laid the seeds for the future choking of the Court, and would make the Bill completely unworkable. The significance of that Amendment derived additional weight by the Amendment on the 57th clause, by which the Government gave the Court power to stay the sale of the tenant's interest for arrears of rent for three months until the judicial rent had been fixed. The landlord would now be able to drive his tenants into Court, and so to clog the Court that it would be perfectly impossible to have the judicial rent fixed in three months with the result that he could bring an action for, perhaps, six months' arrears, and issue a writ to sell out his tenant's interest. He regretted that the Government had altered the character of their Bill, as it would make the tenants look upon the Land Court with the greatest distrust, and lead them to associate it with the other Courts where the law was administered entirely in favour of the landlord, and where they never could get justice. It would also give the strongest possible leverage to the Land League, if they wished to keep the tenants from going into Court, as they probably would.

MR. GLADSTONE said, he was very sorry that there was a great misapprehension apparently, and, through that misapprehension, a considerable misstatement of fact, with regard to that Amendment. The fact was that there was not one single landlord in Ireland who would be enabled to go into the Court by the Amendment as now proposed who could not have gone into Court under the Bill as it originally stood. The difference was simply this—that, as the Bill previously stood, he would only get into Court by demanding an increase of rent. Well, was it desirable to put upon him that odious and invidious duty in a case where he did not want an increase of rent, but only to have it judicially fixed? He might want to concede a deduction, or to obtain judicial sanction of the present rent. But, as the Bill stood, he could not obtain that sanction without demanding from the tenant an increase which the tenant was unwilling to pay, and then the tenant had no option, in defending himself against that increase on the rent, but to go into

Court. It seemed a much fairer thing both to the landlord and to the tenant that the landlord should be able to obtain this fixity if he liked without going through that invidious course, and making a demand which he might not think just or necessary, but because it was the only means of getting the rent fixed.

MR. CHARLES RUSSELL believed there was a little more in the Amendment than the Prime Minister seemed to think. Still, he (Mr. C. Russell) thought its importance had been greatly exaggerated by hon. Members opposite. He would vote against the Amendment if it was pressed to a division; but he did not think the effect of it, if passed, would be very appreciable. He hardly thought the Chief Secretary for Ireland's expectation that landlords would apply this clause for the sake of reducing a rent and of giving a fixity of 15 years to a reduced rent was well founded. He had very little hope of that expectation being realized.

MR. WARTON thought the Amendment, as now proposed, did not provide for one case that might easily occur. The landlord might wish to have a rent fixed, which the tenant was willing to pay; but the tenant would not go into Court with his landlord to have it fixed for the statutory term. The landlord was then put in the disagreeable position of having to ask the Court for an increase of rent, which he did not really desire.

LORD RANDOLPH CHURCHILL thought that the Government must feel, after the heated language which they had heard throughout the country against the audacity of the other branch of the Legislature, that they had hardly adequately recognized the benefits conferred by the House of Lords in that Amendment. The Prime Minister had fallen into a slight inaccuracy as to the form of the Bill as it originally stood. The landlord could only appear in Court as a defendant, or a prosecuted party. Then the Prime Minister made a concession, and allowed the landlord to appear as plaintiff; but only after doing an act which in Ireland would be generally looked upon as an arbitrary act. The House of Lords would enable the landlord to appear in Court without having the appearance of doing an injury to the tenant. The Lords' Amendment was a valuable one, and he was

glad that their Lordships had been the means of bringing the Government to a better frame of mind and inducing them to yield on this point. In the event of a sale of an estate, it might be of great advantage to the landlord that he should have the power of going to the Court and obtaining a judicial valuation of his land, and get a statutory term imposed upon all the tenants.

MR. T. P. O'CONNOR said, that the inconvenience of the course adopted by the Government was now becoming manifest. If the Prime Minister had made a general declaration, the Irish Members would have been better prepared for the change which had been so suddenly proposed. He was driven to what might appear to be a somewhat uncharitable conclusion, that either the Government were endeavouring to slip out of their original intentions with regard to this matter, or else that they did not understand the consequences of their action. He thought the Amendment was a fatal structural change in the Bill, and he must say he disagreed with the view taken by the hon. Member for Galway (Mr. Mitchell Henry). The clause, in its altered shape, enabled the landlords to go into Court under different circumstances and conditions. The hon. Member for Galway said very properly that if the landlord went into Court, having demanded an increase of rent, a certain amount of odium attached to him, and that the burden of proof was on his shoulders; but now he could go into the Court without the least odium, and that appeared to the hon. Member to be a representation of the tenant's interests. According to the hon. Member, it was a desirable thing that the landlord could now threaten the tenant with an action; the burden of proof that the rent asked was a fair one was not on him, and he could use the statutory term as a Damocles's sword over the heads of the tenants as a means of increasing rents in order to improve his property for the purpose of sale. Was it, he (Mr. T. P. O'Connor) would ask, desirable that every landlord should have that power to use it at his will? That was a game at which it was easier for the landlord to play than the tenant. They were making litigation compulsory which was formerly optional, and were thereby arming the landlords with an additional power. His hon. Friend's (Mr. Parnell's) Amendment, that six

months' grace should be given in pending ejectments, had been reduced to three months, and the result would be that landlords would commence so many ejectment proceedings that it would be impossible for the Court to fix the rents before the period had elapsed.

MR. MITCHELL HENRY explained that his belief was that the more rents that were judicially fixed, the better for the peace of the country. He knew that what the hon. Member (Mr. T. P. O'Connor) wished was that rents should not be judicially fixed, but that there should be a loophole for agitation.

MR. O'DONNELL said, that the Amendment was the beginning of a clear indication that the Irish tenants were being sacrificed to a compromise to be arranged between the Liberal and Conservative Parties. In the long run, injury would accrue to the Liberal Party, and to the Conservative Party also, from this sort of patchwork concession. Irish tenants would resent most bitterly the proposal to place this weapon of litigation in the hands of the landlords. An Amendment of this kind might pacify the House of Lords; but it would not pacify Ireland. The Conservative Party had got their hand on the key of the situation at the present moment, and he advised them to look to the Irish people, now that the Irish people were being deserted by the Liberals.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he was very much surprised at the vehemence of the hon. Gentleman who had just sat down (Mr. O'Donnell), and would ask the House quietly to consider whether there was the very smallest foundation for all this outcry? There were two modes by which the tenant might get a judicial rent and a statutory term—by decision of the Court or by voluntary arrangement with the landlord as to what a fair rent should be. It was said that this Amendment was a weapon forged by the Government to please the Conservatives; but he (the Attorney General for Ireland) contended that hon. Members opposite would have shown less ingenuity, perhaps, but certainly more candour, if they had described the proposal of the Government as a mode by which the Irish tenantry would be enabled to obtain a reduction of rent more easily and quickly than by going to the Court, and a statutory term without any precedent litigation at all.

Lord Randolph Churchill

It should be remembered that the Lords' Amendment had really been first proposed in the House of Commons, where it was considered by a vast majority of hon. Members as a fair solution of a difficulty, and where it would have been carried but for a merely technical objection. It would surely be unfair to say that no landlord should have a fair rent fixed on his estate except after incurring the odium attaching to a demand for a rent to which he was not justly entitled. He really thought, with all respect to hon. Gentlemen opposite, that they were riding their horse a little too hard. They had hardly given sufficient credit to the Government for a desire to do what was just to the landlord without being at all prejudicial to the tenant. The object and effect of the Amendment was manifest, and it left the tenant perfectly free.

MR. NEWDEGATE: Let the House consider for a few moments the object now declared to be that of the Irish section, according to the declarations of the hon. Member for the City of Cork (Mr. Parnell) and the hon. Member for Dungarvan (Mr. O'Donnell). The House has decided to establish an institution by virtue of this Bill which is termed the Land Court, and this Court is to decide in matters of equity between the landlord and the tenant. The proposal of the hon. Members whom I have mentioned is that this Court shall deal with the subject-matter land, having only one of the two persons interested in the land before it. The other person interested in the land, the landowner, is never to appear in Court except as a criminal, as having violated the chief object of this Act, the establishment of a fair rent, by asking a rent which he must know beforehand, according to this precious scheme, that the Court will reject as too high; otherwise the landlord will have no *locus standi* before the Court at all. A Court pretending to deal in equity which would be limited to having only one of the two parties interested before it of right would not deserve to be called a Court at all. The hon. Member for the City of Cork has been at much pains to explain to the House that, however iniquitous may be his suggestion, it involves an object which the Party that he represents has contemplated and striven to attain for years, that object being neither more nor less than this—to outlaw the landlords.

Mr. DAWSON put it to the right hon. and learned Gentleman the Attorney General for Ireland that a landlord, under the Amendment, might induce a tenant to accept a nominal reduction of rent, to which he would be bound for 15 years. The tenant might unwittingly find himself bound to a settlement for that term of years, which was adverse to his interests, and contrary to the previously declared intentions of the Government when the Bill was introduced, for it was understood to be a Bill for the tenant, and not for the landlord.

MR. JUSTIN M'CARTHY also inquired of the right hon. and learned Gentleman what the landlord could require to go into Court for but for an increase of rent? He was astonished at the remarkable change which had come over the policy of the Government, especially as only the other night the Lord Chancellor made a strong speech in support of not giving the landlords the powers now sought to be conferred upon them. He believed that it would simply lead to litigation, and there was no doubt that the clause was the result of a communication between the Leaders of the two Parties, in order to make things pleasant all round for the Members of both Houses.

Question put, and *agreed to*.

Amendment *amended*, by restoring the words struck out by their Lordships.

On the Motion of Mr. GLADSTONE, Amendment further *amended*, by inserting the words "or after" before the words inserted by their Lordships.

Amendment, as amended, read.

Motion made, and Question proposed, "That this House doth agree with The Lords in the said Amendment as amended."—(*Mr. Attorney General for Ireland.*)

MR. HEALY said, it would be very injurious to the tenant farmers in many cases to apply to have a statutory term fixed, because of the conditions involved in the term, and the penal consequences of any breach of them. Of course, in many other cases, it would be wise in the tenants to apply to have a statutory term fixed. When this Amendment and the Amendment to sub-section 5 were inserted in the Bill it was a permissive Bill no longer. The Government wanted

to give fixity of tenure—he begged pardon, he should say durability of tenure—to the tenant; but it was for his own benefit. Where, however, the tenant thought it was not for his benefit to have a statutory term extending to 15 years, he ought to be at liberty to choose a shorter term. The Bill was rendered very mischievous by forcing this statutory term upon the tenant. He begged to move an Amendment on the main question that the amended Amendment be agreed to, that in cases of agreement between landlord and tenant the statutory term should be reduced to such term as the tenant might suggest. He should like to tell the Irish people, if the Bill passed, to improve their holdings at once, and see what foreign competition would do, and then afterwards ask a reduction of rent; but, in the case of persons to whom the rent they were paying was a case of life and death, he would say go to the Court at once and have it reduced.

MR. SPEAKER said, that the hon. Member would not be in Order in proposing an Amendment on the Amendment after the Question had been put from the Chair, that the House do agree to the Lords' Amendment as amended.

MR. HEALY said, in that case, he was content, and would only say a word more. He had formerly desired that the Bill should be passed. Certainly, now he did not desire it at all. He believed that the Bill, in consequence of the alterations which had been made in it, was now an instrument of oppression that might be used against the Irish tenants, and he should not be sorry to see it drop. The Government had done their worst to make the measure unpopular by introducing the most momentous changes into it, which would involve the loss of millions of money to the Irish people. The only course open to the Irish Members was to divide against the clause, and protest against structural changes being made not in Committee, but on the consideration of the Lords' Amendments. The Government had turned a Bill which might have been of some advantage to the Irish tenants into a most mischievous and dangerous one.

MR. LALOR said, he was afraid the Government did not see the disastrous effect of the alterations they had agreed to. There could be no doubt that every

Judge in Ireland would differ from every other as to what was a fair rent, and that some Judges would be very favourable to the landlords. Where the landlords found a Judge who was influenced in their favour, they were sure to bring the tenants into Court to get the rents fixed.

Question put.

The House divided:—Ayes 238; Noes 66: Majority 172.—(Div. List, No. 386.)

Lords Amendment, page 8, line 20.

MR. GLADSTONE said, that they came now to an Amendment which would require an effort on the part of the House, first of all, to grasp clearly the nature of the point they had before them, which was rather complex in point of form; and, secondly, to take a thoroughly cool and dispassionate view of it. The most important subject of it was the following words, which had been inserted at the instance of the hon. and learned Member for Dundalk (Mr. C. Russell), "and having regard to the interest of the landlord and the tenant respectively." Those words, it would be recollected, were accepted by the Government and inserted with the express view of giving confidence and satisfaction, rather than to introduce any new principle or idea into the Bill. When they came before the Lords, however, they were viewed as being intended to bring in again an idea which the Government had always emphatically disclaimed—namely, that the value of the tenant's interest in his holding was to be legitimately deducted from the rent which would otherwise be due to the landlord. The Lords accordingly provided against what they conceived to be a danger. In the first place, they struck out the parenthetical words of the Commons; and, in the second place, as a double security, they introduced a sub-section (9) to the clause, which ran in these terms—

"The rent of the holding shall not be reduced in any proceedings under this Act on account of any money or money's worth paid or given by the tenant or his predecessors in title, otherwise than to the landlord on coming into the holding."

That sub-section the House of Commons deemed to be open to the objection of again bringing in the principle of de-

Mr. Healy

duction, and as bringing it in, in connection with a supposed "largeness" of tenant's right, without taking into consideration the case which might, of course, happen, that the very smallness of the tenant's right might be urged as a reason for increasing the rent, just as much as the largeness of the tenant's right might be urged as a reason for diminishing it. The House of Commons, perceiving the nature of this one-sided Amendment of the Marquess of Salisbury, struck out that sub-section, and restored its own words, and the Lords responded to that proceeding by again striking out the parenthetical words and replacing the sub-section. He was going to ask the House to treat these two Amendments together; and it would be impossible to take a fair view of the importance of the parenthetical words unless the sub-section 9 was also taken in view at the same time. As he had said, the Lords had replied to them by again striking out the parenthetical words, and again reinserting sub-section 9; but he was bound to say that the sub-section 9 which they had sent them was of a character, from their point of view, quite distinct from that which they sent them before. It looked to him as if some new and skilful hand had tried its effect upon the manipulation of the sub-section; and he thought everyone would at once see the difference in its character from the sub-section which they formerly had to deal with. The words now proposed were these—

"The amount of money or money's worth that may have been paid or given for the tenancy of any holding by a tenant or his predecessors in title otherwise than to the landlord or his predecessors in title shall not of itself, apart from other considerations, be deemed to be a ground for reducing or increasing the rent of such holding."

Those were words at which they had looked critically and dispassionately, and he was bound to say that they thought they did not contain any injurious element. Therefore, treating that as really one Amendment, the course they proposed to take was this—to agree to the subsequent Amendment as sent back to them, and they proposed to replace the parenthetical words of the hon. and learned Member for Dundalk, which, if they contained any element of danger, and they did not admit it, would find that danger sufficiently blocked out by sub-section 9, because it simply said,

what was evidently quite true, that the amount of tenant's right interest might be an important illustrative fact, and have a strong indirect bearing on the question of rent, but which

"Shall not, by itself and apart from other considerations, be deemed to be a ground for increasing or reducing the rent."

Therefore, they acceded to that sub-section upon the deliberate conviction that in so doing, while meeting a difficulty honestly entertained, they were not, in any degree, imperilling any of the interests which they sought to defend by that Bill. The course, therefore, he proposed they should take was this—to introduce the parenthetical words, and then agree to the Lords' Amendment in the closing sub-section.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the first part of the said Amendment."—(*Mr. Gladstone.*)

SIR STAFFORD NORTHCOTE presumed that, technically speaking, the effect was to treat these words and sub-section 9 as one; and though they disagreed with the Lords with regard to the words of the hon. and learned Member for Dundalk (*Mr. C. Russell*), they were not absolutely rejecting the whole of the Amendment. He thought, under those circumstances, that the course which was proposed by the Prime Minister seemed to be one that would really afford a satisfactory solution of a somewhat curious complication, to which more weight had been given than, in his opinion, the words objected to justified. He had never quite understood the original insertion of the words, except on the hypothesis that they were intended as a direction to a Court that still remained to be constituted, and which might, perhaps, act otherwise, to deal in some special way with the tenant's interest in his holding. At any rate, it was clear that factitious importance had been attached to them; and it was some satisfaction, after hammering the matter out between the two Houses, to have at last removed a misapprehension that might have led to more serious difficulties.

MR. CHARLES RUSSELL said, the object for which he introduced the Amendment was that the Government had originally words which directly referred to the tenant's interest. He

thought it objectionable that the clause should leave the House without some words securing that object. In the second place, nowhere in the Bill was to be found admitted, in connection with rent, the tenant's interests in his improvements. As to sub-section 9, he did not quite understand it. He found in it language with which he was not familiar, as usual in an Act of Parliament. He found no definition in the clause itself of what was meant by "the tenancy of a holding." Now, it seemed to him that the tenant's interests in his holding included the improvements either made by himself or paid for by him. Having regard to the nature of that interest, he did not know why it should not be taken into account by the clause, nor could he understand the force of the words "by itself, apart from other considerations." The sub-section was very inartistically drawn. He saw great danger in the words as now proposed, and believed their effect would be exceedingly misleading. He would, therefore, suggest, in order to insure that the interest of the tenant should not be encroached upon, and that he should not be charged rent upon improvements which he made himself, that an Amendment to this effect might be introduced—"otherwise than for improvements."

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) observed, that what ought to be the test was what the improvements were worth. He contended that the interpretation which the hon. and learned Member (Mr. Charles Russell) put upon the words was a wrong one, and that the clause as now agreed to would really meet all the difficulties of the case. It must be remembered that this Amendment followed a provision in which there was a distinct prohibition against making an allowance or charge in respect of improvements against the tenant. He must say that, with the most earnest desire to insert nothing in the Bill which would cut down the tenant's interest, he could see no possible way in which it could be suggested that it would prove injurious to the tenant. The Government had also scanned the Amendment most anxiously with the view of seeing if in any way it would operate improperly against the tenant; but they had been unable to see any. They thought it would be of advantage to the tenant and landlord alike.

Mr. Charles Russell

Mr. PARNELL said, that, looking at the long history of the Bill from its commencement, it appeared to him that the adoption of sub-section 9 by the House would very materially injure the Ulster Custom, if it would not entirely destroy it. The Bill, as introduced in the House of Commons, directed the Court, in fixing a fair rent, to have regard to the interest of the tenant in his holding; and that interest was defined, in the case of holdings in Ulster, to the tenant right custom which existed there, and outside that Province to any analogous usage. The insertion of this sub-section, therefore, entirely destroyed the tenant right custom. If the amount of the tenant's interest in the open market was not to be regarded in fixing a fair rent, except there were other considerations which the Court could also take into account, he (Mr. Parnell) thought they were entitled to ask the Government what were those "other considerations," apart from the money paid, which were to be regarded in the case of a person who bought the Ulster Custom when he applied to the Court to fix a fair rent? In the case of a tenant who had sold his interest, and the purchaser applied to the Court to fix a fair rent, what were the considerations here? He did not see what other considerations there could be. He had been willing to limit the discretion of the Court by giving the landlord the right of pre-emption; but that was not the meaning of the sub-section. The meaning of it was that there should be other considerations taken into account by the Court in fixing a fair rent apart from the money paid by the tenant for the interest. That dealt a fatal blow to the Ulster tenant right custom and against the intention to confer freedom of sale in other parts of Ireland, because the tenant would not be able to sell his interest at a fair marketable price; or, at all events, he would be greatly hampered in the sale of that interest. He regretted exceedingly that the Government had departed from their original position in this matter. The history of Clause 7 had been one of continual giving way on the part of the Government. As it stood originally, it gave tenants in Ulster the right to say that their interest consisted of the Ulster tenant right custom; and to tenants outside of Ulster, that their interest con-

sisted in compensation for improvements they might be entitled to under the Act of 1870, and in compensation for disturbance to which they might be entitled under the same Act. A strong set, however, had been made against the clause, and the Government for the sake of peace, and for the sake of getting rid of the very strong opposition which undoubtedly would have proved fatal to the Bill, gave in, and said they would leave it to the discretion of the Court; but, at the same time, they assured the Irish Members that the words which they cut out from the original were still suggested in the Bill, and the tenants were protected. The clause had now come back from the Lords, with a very vague addition, which he (Mr. Parnell) defied anybody to explain, and which the Government would not attempt to explain in the slightest degree. If the Government were going to agree with their Lordships in this Amendment, Irish Members were entitled to claim that the clause should be restored to its original state. If the Government were not going to keep their word with the House, and leave the matter to the discretion of the Court, but if, at the eleventh hour, they were going to turn round and introduce a definition against the tenant and in favour of the landlord at the bidding of "another place," the Irish Members were also entitled to turn round and ask that the clause should be defined in the interest of the tenant, and that it should be restored to the form it originally bore before it was altered to get rid of Conservative opposition in this House.

MR. SHAW said, he thought the House of Lords had gone a long way in the solution of the difficulty which arose under that clause. That difficulty commenced when his hon. and learned Friend (Mr. Charles Russell) introduced his words into the Bill, which were entirely unnecessary. The words, however, being in the clause he (Mr. Shaw) did not think they could submit to their being struck out. The original intention of the Government was to leave the question of the rent entirely to the Court, and the insertion of these words gave rise to a fear on the part of the landlords that there was some hidden intention of taking the absurd price given in the North of Ireland, and taking 5 per cent on that price out of

their rent. He believed no Court in existence would do that. But the fear being there, he thought it was a very natural feeling on the part of the landlords to be rather alarmed on the subject, and this was their mode of solving the difficulty. It struck him at the beginning that there was nothing very serious in these words; but he should certainly preface them with a provision which the right hon. and learned Gentleman the Attorney General for Ireland assured him was already in the Bill, and in fixing the rent any improvements on outlay made by the tenant or his predecessors in title should not be taken as a ground for raising the rent. If it was provided for in the Bill, he could not see that these words would do the slightest harm. He did not think there was any hidden or sinister object in them; but if there was it would be all the worse for the landlord in the long run. He thought, however, that some words might be introduced which would make it discretionary on the Court; and he would suggest that these words should be inserted, in "case the Court should be of opinion that an excessive sum has been given."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he thought there was some misapprehension on the part of hon. Members opposite as to the effect of the words. They always thought that the words inserted by the hon. and learned Member for Dundalk (Mr. Charles Russell) were merely a development of the words "after hearing both parties"—that was, that the Court, in estimating a fair rent, would hear the parties; and, having regard to the interest of the landlord and the tenant, consider all the circumstances of the case. He did not, he confessed, think that, even as such, they were necessary. He was aware, however, that the Irish tenants attached a good deal of importance to these words; but that was as nothing compared to the fear as to their import which seemed to exist in "another place." They had, however, got into the clause, and, having got in, the House, he submitted, should abide by them. As had been pointed out, his hon. and learned Friend the Member for Dundalk was the innocent source of the Amendment which, he agreed with the hon. Member for Cork (Mr. Shaw), had led to the whole of the difficulty. There would have to

be some inquiry behind the amount paid for the tenant right, so that the mere money paid at the beginning of the tenancy would not be conclusive in favour of the tenant.

DR. COMMINS said, he agreed with the object desired by the hon. and learned Solicitor General and the right hon. and learned Attorney General for Ireland; but doubted whether the clause, as worded, would carry it out. The defect might, however, be remedied by a very slight change. Why not add, after "the sum of money shall not be taken into account," the words, "apart from the present value of the tenant's interest?"

MR. GIVAN thought that hon. Members opposite representing Ireland somewhat misunderstood the application of the sub-section. It was rather a protection to the tenant than otherwise. In Ulster, he (Mr. Givan) could say from experience that when a high price was paid for tenant right, the landlord generally came to the conclusion that the rent was too low, and raised it accordingly. All the arguments as to the injurious effect of the proposed sub-section on the tenant right of Ulster appeared to him altogether illusory. He was glad that the Prime Minister retained the words which the Lords had struck out. The very reason given by the Lords for disagreeing with that House was sufficient reason for that right hon. Gentleman's course, for the Lords assumed that the tenant had no interest in his holding.

CAPTAIN AYLMER said, he was glad that the Government had accepted the sub-section.

COLONEL COLTHURST said, he had been informed that the sub-section, as it stood, would cause a great amount of alarm and discontent amongst the Irish tenants. He would suggest that the words "in excess of what is deemed by the Court reasonable" should be added after the words "money's worth."

Question put, and *agreed to*.

Words struck out by The Lords restored to the Bill, and subsequent Amendment of The Lords to the same clause *agreed to*.

Lords' Amendment, page 8, line 23, as since amended by the Lords.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendment, as

The Attorney General for Ireland

amended."—(*Mr. Attorney General for Ireland.*)

MR. GIBSON said, he felt in a position of pain and difficulty about that Amendment, as it had been his lot to have spoken upon the subject three or four times, and to go over the same ground on each occasion. He only hoped that, as his right hon. and learned Friend the Attorney General for Ireland had pointed out—and as he admitted—it was in the competence of the Court under the Equities Clause, all the matters which had been alluded to would be taken into account.

MR. WARTON said, he entirely disagreed with the view expressed by the right hon. and learned Gentleman the Attorney General for Ireland. The Amendment of the Lords only made clear what the right hon. and learned Gentleman wished.

Question put, and *agreed to*.

Lords Amendment, page 8, line 35, as since amended by the Lords, read.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, the Government could not accept the Amendment. He must, therefore, move to disagree with it.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendment, as amended."—(*Mr. Attorney General for Ireland.*)

LORD JOHN MANNERS said, he was sorry that the right hon. and learned Gentleman had announced the intention of the Government not to accede to the Amendment. The principle had already been acceded to at the end of a second statutory term, and he could not see why the resumption should be prevented in the case of a first statutory term. It might be necessary in some cases for a landlord to have the power of resumption for the purpose of supplying the wants of the neighbourhood during the first statutory term; but, under the clause, the Court would not have the power of granting it.

Question put.

The House *divided*:—Ayes 198; Noes 86: Majority 112.—(Div. List, No. 387.)

On the Motion of Mr. ATTORNEY GENERAL for IRELAND, Lords Amendments to

the Amendments made by the Commons to the Lords Amendments, in page 9, line 18, *agreed to*, with Amendments.

The Amendment made by The Lords to the words restored to the Bill by The Lords not insisting on their Amendment in page 9, line 39, to which the Commons had disagreed, read a second time.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he did not think the words proposed to be introduced were at all necessary in that part of the clause. In fact, he thought they might be decidedly injurious. He must, therefore, ask the House to disagree with them. He proposed, however, to add the word "otherwise" before the word "compensated" in the clause, which would suit the case.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendment."—*(Mr. Attorney General for Ireland.)*

SIR STAFFORD NORTHCOTE admitted that the words, as proposed, were an improvement of the clause as it now stood; but he did not think that they made up for the words which the Lords had put in, and which were almost identically the same as those which he (Sir Stafford Northcote) had moved when the Bill was in Committee. Those words were taken from the Land Act of 1870, and only provided what was fair—namely, that the Court should take into consideration the length of time during which the tenant had been in enjoyment of the improvements at a low rent. The Amendment met the case of a man who took a holding at a moderate or low rent with a view of making improvements which would cost him something, but for which, on the terms on which he had taken his holding, he expected the length of the lease would enable him to recoup himself. He, therefore, hoped the Government would not object to the insertion of the words. It seemed to him to be very fair and reasonable.

MR. GLADSTONE said, that such a case would be sufficiently covered by the words of their Amendment—"paid or otherwise compensated for," which they proposed to introduce after the Lords' Amendment had been formally disagreed with. They were much more simple than the words from the Act of 1870. Their contention was that if there was

any doubt about the meaning of the Amendment, that doubt would be removed by the insertion of the word "otherwise." They summed up all the matters that the Court could take into consideration under the words "paid or otherwise compensated." He thought the adoption of the Lords' Amendment would lead to some ambiguity, though, perhaps, it had some basis in reason, and might be accepted if it were modified and made more clear in its language.

MR. GIBSON said, he would admit that the word "otherwise" made an important change; but he did not understand why the Prime Minister objected to the particular words contained in the Amendment of his right hon. Friend (Sir Stafford Northcote). He (Mr. Gibson) thought it was conceived in the most moderate spirit. It only asked that effect might be given to that which nine out of every ten reasonable men would consider the ordinary common-sense view of the case—namely, that the Court should take into account the date when the tenant commenced to make his improvements and the rent which he paid. He could not agree with the Prime Minister that these elements, in a fair decision of the cases which might arise, were, with sufficient detail, stated in the Bill as it stood. If the statement of his right hon. and learned Friend the Attorney General for Ireland and of his right hon. Friend were engrafted upon the rules of the Court he would be quite satisfied; but he was not quite content that the Court should alone be guided by the words of the clause as it stood.

MR. CHARLES RUSSELL opposed the Amendment, being apprehensive that under it the landlord might receive compensation for improvements for which he had not paid. He did not see that the length of the enjoyment of the improvements had anything to do with the question. He saw no reason why the landlord should, in the rent, have consideration for improvements which he had neither purchased nor given any other compensation for.

CAPTAIN AYLMER supported the Amendment, believing that if it were not adopted a tenant who had already received compensation for his outlay through the payment of a low rent would again receive compensation in money.

He maintained, further, that there were other cases which had been overlooked. Land was often let at very low rents on the ground that improvements should be carried on.

MR. O'DONNELL hoped that the right hon. Gentleman the Leader of the Opposition (Sir Stafford Northcote) would not give the House the trouble of dividing, as Lord Cairns had yesterday agreed with Lord Carlingford that the Lords would not insist on their Amendment. The right hon. and learned Gentleman the late Attorney General for Ireland (Mr. Gibson) had not forgotten the interesting conversation he had with the right hon. and learned Gentleman the present Attorney General for Ireland yesterday, arranging what was to be done in the matter. [Mr. Gibson said, he was not in London yesterday.] Well, it might have been on Saturday, but the effect was that they were assisting at a farce. The policy of the Government was based upon two principles—the one was to dish the Conservatives and the other to dish the Irish Members; and at the former operation some right hon. Gentlemen who were still influential amongst the Conservative Party were assisting.

MR. W. H. SMITH thought the Government, in opposing the Amendment, was refusing what was fair. He could not understand what objection there could be to the adoption of an Amendment which recognized the right of a tenant to full compensation for the capital and the labour he had expended upon his holding.

MR. HEALY rose to appeal to hon. Gentlemen on the Front Opposition Bench not to delay the progress of the Bill. They knew very well what they were to get, so that it was a perfect farce continuing the discussion. The Lords had adjourned till half-past 11, and it was desirable that they should meet to receive the Bill at that time, for punctuality was the soul of business. He would put it to the Members of the Government not to continue that comedy any longer. Having conceded so far to their Lordships they might, with a good grace, grant all the rest.

Question put.

The House divided: Ayes 232; Noes 104: Majority 128.—(Div. List, No. 388.)

Captain Aylmer

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) moved to amend the Amendment by the insertion of the word "otherwise" before "compensated," the object being to allow the Court to take into consideration the lowness of a rent paid by a tenant in awarding compensation for improvements.

Amendment proposed to the words so restored to the Bill, by inserting before the word "compensated," the word "otherwise."—(Mr. Attorney General for Ireland.)

Question proposed, "That the word 'otherwise' be there inserted."

MR. CHARLES RUSSELL said, he was opposed to the addition of the words.

MR. HEALY said, that either the word "otherwise" had a meaning or it had not; and if it had a meaning at all, the meaning was in a sense unfavourable to the tenant's interest. He protested against that giving away, bit by bit, on the part of the Government. The proposal was an illustration on the part of the Government of the *facilis descensus Avernus*. In the original Bill the words were—

"No rent shall be paid in respect of improvements made by the tenant or his predecessors."

But the Lords added—

"For which, in the opinion of the Court, the tenant shall not have been compensated by the landlord or his predecessors."

Here was another "sop to Cerberus." The construction which the Government put upon the matter was exactly that which the Lords had put; and, under this proposal, the Court might take into account the time during which the tenant had enjoyed the benefit of the improvements. [Mr. Gladstone dissented.] The Prime Minister shook his head, but that might mean anything. He feared they were doomed to "or otherwise;" but they should not be doomed to it without a division.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, there was no such sinister intention as the hon. Member (Mr. Healy) seemed to suppose. It was not meant as a sop to the House of Lords, or anything of the kind. The word "compensated" in the clause might be considered by some purely a synonym for "paid." He understood that hon. Members opposite

thought it fair that where a landlord had paid for the improvements they should be his own. But the landlord might pay for them either by money or money's worth. To pay in hard cash was one way of compensating the tenant; but if the tenant got money's worth from the landlord, surely that was another way of compensating him. In that view, the Amendment was fair and reasonable, because it would enable the Court to take into consideration whether money or money's worth—the same thing as money—had been received from the landlord in assessing the value of improvements.

MR. O'DONNELL said, that it was part of the plan which the hon. and learned Gentleman was now carrying out that the concessions were minimized in this House and then maximized and magnified in the other House. For the sake of common honesty, the Irish Members would take a division against the system.

DR. COMMINS said, that the words "or otherwise" would be a dangerous innovation as affecting the tenant's interest, for, with those words introduced, length of time during which the improvements were enjoyed would be looked upon as absolute compensation. That was entirely contrary to the principle of the Bill, which was that if a tenant made an improvement it should be his own, and no length of enjoyment should put a bar to his further enjoyment of it. But there was nothing in this clause to prevent the Judge from saying—"Here is a man who may have spent £1,000 on improvements; but he and his predecessors have been compensated by the length of time they have enjoyed them." Such a principle never existed in our judicial decisions; it was not to be found in the laws of this country nor of Ireland either.

MR. PARNELL said, it was very desirable that the tenants should understand from the wording of the clause that length of enjoyment was not to be taken into account by the Court in fixing the rent. There was nothing in the sub-section, should it contain the words "or otherwise compensated," to prevent the Court from taking into consideration the length of time. Would the Government have any objection to introduce words making it plain both to the Court and to the tenant that the

length of time during which the tenant might have enjoyed those improvements should not be taken into account in fixing the rent? It would be easy to do that by introducing words to the following effect:—

"Provided, That the time during which the tenant may have enjoyed the advantages of such improvements shall not be held to be compensation within the meaning of this sub-section."

He begged to move the introduction of those words.

MR. SPEAKER said, that the hon. Member could not do so now. The Question before the House was that the words "or otherwise," be inserted before "compensated."

MR. WARTON suggested the substitution for "otherwise" of the words "in money, money's worth, lowness of rent, or otherwise."

Question put.

The House divided:—Ayes 262; Noes 93: Majority 169.—(Div. List, No. 389.)

MR. PARNELL moved to insert the words to which he had referred before the last division.

Amendment proposed to the words so restored to the Bill, at the end thereof, to add the words—

"Provided, That the time during which the tenant may have enjoyed the advantages of such improvements shall not be held to be compensation within the meaning of this sub-section."—(Mr. Parnell.)

Question proposed, "That those words be there added."

MR. NEWDEGATE: Here, again, Sir, I must ask the House to consider the object of the Amendment which the hon. Member for the City of Cork (Mr. Parnell) has moved. Every hon. Member who is acquainted with agricultural improvements, particularly with those attempted by the Irish tenants, must know that all of them are calculated to be temporary in their beneficial effect. Take land-draining, for instance. Land-draining as performed in Ireland, especially in the reclamation of waste land, is calculated to be beneficial for from 10 to 20 years. It would be a very liberal estimate to imagine the buildings they erect are calculated to be useful for 30 years; but the substance of the proposal of the hon. Member is that the tenant shall be practically compensated with these improvements for ever, that

he has to acquire a perpetual and beneficial interest in the property on which these improvements are made. In all time to come these improvements will continually need renewal, and each renewal is to form an additional claim on the part of the tenant. What is this but a disguise for the old pretension on the part of the Irish tenants to actual possession, and for ever, of great part, if not the whole, of the fee-simple of the property? I am quite sure that no hon. Member who is acquainted with agricultural improvements can vote for the Amendment.

MR. GIBSON said, it was not long ago that his right hon. Friend the Leader of the Opposition (Sir Stafford Northcote) proposed an Amendment suggesting three elements to be taken into account by the Court. Now, the hon. Member for the City of Cork (Mr. Parnell), after assisting in the rejection of that Amendment, brought forward a proposal containing one of those elements. The statement of the proposition of the hon. Gentleman carried with it its own condemnation, for it required very little consideration to show that a Proviso of this kind might work substantial injustice. Under no circumstances should any weight be given to it.

MR. GLADSTONE said, he entirely agreed with the proposition which he believed the hon. Member for the City of Cork (Mr. Parnell) wished to express, that the time of enjoyment during which the tenant might have reaped the fruits of his improvement should not of itself be taken into consideration by the Court. But he was bound to say that was not the Amendment, which implied and declared that, in no circumstances, and under no form, should the element of time be taken into consideration; whereas, in the matter of improvements, it would be a proper and legitimate thing to take into account the amount of compensation the tenant would have received in the length of time he had enjoyed those improvements. Moreover, if the objection on that ground were removed, the Government were still bound to hold that the Amendment was unnecessary, because it was nothing short of impossible that the Court should imagine or adjudge that to be compensation by the landlord which had never cost the landlord in any shape in money, or money's worth, a single farthing. Consequently,

Mr. Newdegate

the Government could not accede to the Amendment.

LORD ELCHO said, that he was a tenant of the Crown in St. James's Place, and he had a holding there for 30 years. It suited his purpose when he took possession to spend a considerable sum in improving the property of the Crown. He wished to know whether the Prime Minister would be prepared next year to bring in a Bill by which he (Lord Elcho) would be entitled to receive back at the end of those 30 years the sum he had expended for his own good? If not, he wanted to know why not? He also wished to know how the logical or illogical minds of the right hon. Occupants of the Treasury Benches could draw a distinction between the two cases, because, in his stupidity, he was unable to do so.

MR. HEALY asked the noble Lord the Member for Haddingtonshire whether anybody stole from him or from his forefathers the land which he rented from the Crown? But to be serious. The right hon. Gentleman the Prime Minister seemed to ridicule the notion that the Court would grant compensation in the case put by his hon. Friend (Mr. Parnell); but, to use one of the right hon. Gentleman's own phrases, would he be prepared to lay 10 to 1 that the Court would not do so? He (Mr. Healy) would take the bet at the first opportunity. The Government could not, it seemed, get rid of that bogey of the House of Lords, and they refused to put their own words into the Bill. The House had had no sufficient explanation of the word "otherwise." The Government said it did not mean what the Irish Members in this Amendment said it did mean. He should like to hear now what meaning the Government really attached to it, in plain language. The demand made by the Irish Members in that House was that a tenant should not have his rent raised on account of his own improvements. If a man had brought a mountain or a morass into cultivation, no lapse of time ought to authorize the landlord to raise the rent.

MR. O'DONNELL said, he would tell his hon. Friend (Mr. Healy) what "otherwise" meant. It meant that there was to be no Dissolution.

MR. LEAMY said, that if the Amendment were accepted, the Court would

still have the power to say to the tenant — "It is true you have made improvements; but you have held the land for a considerable time under its proper value, and consequently you shall not have compensation." There were but "three F's" in the Bill when it was introduced, and those small "F's," in the words of the Prime Minister; but he (Mr. Leamy) defied any man in Ireland to discover in the Bill in its present altered state more than one of the "three F's," and even that one must be taken on trust.

MR. P. MARTIN contended that the House ought, in common justice and fairness, to accede, in substance at least, to the Amendment put forward by the hon. Member for the City of Cork (Mr. Parnell). The words inserted in the House of Lords left the true effect and extent of the clause in much doubt. There was no slight ground to apprehend that the views expressed by the Prime Minister in respect to preventing any increase of rent upon the tenant's improvements would be defeated if the House now simply agreed to the Lords' Amendment of this clause.

MR. STOREY said, it was a very common thing in England for the landlord to charge an increased rent upon the tenant's own improvements. That being the case in England, he was not surprised that it should be the case in Ireland; and, therefore, he failed to understand why the right hon. Gentleman the Prime Minister could not accept the Amendment of the hon. Member for the City of Cork. He held that no lapse of time could justify the exaction of an increased rent from a tenant who had improved his land; and he was, therefore, of opinion that no words should be allowed to remain in the Bill which would seem to confer upon the Land Court the power of increasing an improving tenant's rent on the ground that the improvements effected by him had been enjoyed for a certain length of time. The Amendment, at least, had common justice on its side. He was glad that the Government had stood firm to their proposals so far, and hoped they would so alter or modify the clause as to give effect to the Amendment of the hon. Member.

MR. MACFARLANE said, he could see no objection to the acceptance of the Amendment. The agitation in Ireland

had been very largely owing to the fact that the tenants were obliged to pay an increased rent according as they improved their holdings. He would suggest, as a way of getting out of the difficulty which had been raised, that words should be inserted in the Bill to provide that consideration of time alone should not be deemed sufficient ground for increasing rents.

Question put.

The House *divided*: Ayes 91; Noes 262: Majority 171.—(Div. List No. 390.)

New sub-section 9, the next Lords Amendment, read a second time.

MR. GLADSTONE said, he had nothing to do now but to perform the formal duty of proposing to the House to agree with the Lords in the said Amendment. The Amendment was justly treated in substance as part of the Amendment which was fully debated and passed a little while ago. In the remarks on it, he did not hear fall anything which showed that the Amendment required to be amended; and at the present stage of their proceedings it would, he thought, be very undesirable to introduce any Amendment on small and doubtful points. He moved to agree to the Lords' Amendment.

Motion made, and Question proposed, "That this House doth agree with The Lords in the said Amendment."—(Mr. Gladstone.)

MR. PARNELL said, he would move the insertion in the sub-section, after the word "from" in the 4th line, of the words "the reasonable value of the tenant's interest, and." Thus altered as he desired, the sub-section proposed by the Lords in lieu of the sub-section struck out by the Commons would run as follows:—

"9. The amount of money or money's worth that may have been paid or given for the tenancy of any holding by a tenant or his predecessors in title otherwise than to the landlord or his predecessors in title shall not of itself, apart from" (here his words would come in) "the reasonable value of the tenant's interest, and,"—the sub-section ending thus—"other considerations be deemed to be a ground for reducing or increasing the rent of such holding."

As the sub-section stood at present, it partook of the same defect as the sub-section which the House had just disposed of. It left the matter in doubt as

to whether the interest of the tenant would be had regard to in fixing the fair rent where that interest consisted of a sum of money, and consisted only of a sum of money paid by the present tenant or his predecessor in title. Therefore, he thought the Government ought to consent to the introduction of these words. He agreed it was not right that, on an estate where the rent had been allowed to remain low, and where the tenant right had mounted up to a very excessive number of years' purchase, in such a case the whole of the tenant right should not be taken into account in the fixing of a fair rent, but that it should be left to the Court to estimate the fair interests of the tenants on such an estate, and fix the rent accordingly. The phrase "apart from other considerations" was too vague; but, by the adoption of his Amendment, the power would be given to the Court to intimate what the reasonable value of the tenant's interest was. He, therefore, moved his Amendment.

Amendment proposed, in line 4, after the word "from," to insert the words "the reasonable value of the tenant's interest, and."—(*Mr. Parnell.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE said, he hoped that the Amendment of the hon. Member (*Mr. Parnell*) might not be pressed; but, in any case, the Government could not be parties to the adoption of it. The reasonable value of the tenant's interest might in many cases, according to the Irish practice, be a large element of the case in fixing a fair rent. That was frequently the case, and it was one of the "considerations" here referred to. He did not, however, at all admit that it was a consideration that ought to be singled out from all others. The fact of so singling it out would be to present it as a kind of rule or standard to the Court, and then all the jealousies and alarms with regard to the old doctrine of deduction, which he hoped they had put aside, would revive. He must, on that ground, offer a most decided opposition to the adoption of the Amendment.

MR. T. P. O'CONNOR said, he must confess that he saw the Prime Minister gradually assuming an extraordinary attitude towards the tenant right custom compared with what he proposed in the

original draft of the Bill. The right hon. Gentleman now said that the tenant right "might" be one of the considerations which the Court would take into account; whereas, by the original clause, the right hon. Gentleman said it "must" be considered by the Court. Under the constant metamorphoses through which the Bill had passed, the right hon. Gentleman was minimizing, and was almost leaving out of sight, that very tenant right which had been put first among the points which the Court had to regard. Why should not the Court have the power of deciding whether the tenant had not paid, not an exorbitant, but a reasonable price for the tenant right, and, if he had, of settling what the fair rent to be paid should be?

THE ATTORNEY GENERAL FOR IRELAND (*Mr. LAW*) said, he would point out to the hon. Member for the City of Cork (*Mr. Parnell*) that he was under a misapprehension with regard to the action of the sub-section. There could not, as the clause stood, be excluded from the consideration of the Court any consideration which was necessary for the decision of the question at issue. If a fair price had been paid for the tenant right, that view would not be excluded. If an exorbitant price had been paid, the fact would not be allowed to prejudice the landlord.

MR. O'DONNELL said, he considered the speech of the right hon. and learned Gentleman the Attorney General for Ireland to be in favour of the Amendment. The fact was, however, that the Government were afraid to carry out their own plan, for fear it would vitiate the secret agreement that had been made behind the back of their supporters, and with the mere object of clinging to Office.

MR. HEALY said, it was clear that an obsequious Government had determined to strike out everything that would be taken into consideration in the tenants' interests, and hastened to put in all that would be taken into consideration in the landlord's interest; and it should be remembered that it was by the weak hangers-on of the Government in that House, as sub-Commissioners, that the provisions of the Bill would be given effect to. They knew the views of their employers in the matter, and would naturally act on them, and bring in a verdict against the tenants. ["Oh, oh!"]

Mr. Parnell

He was not aware that a good honest Whig considered it a disgrace to go to the Government for a place. On the contrary, he considered himself flattered when he got it. ["Question!"] Every hon. Member from Ulster was looking for a place from the Government. ["Question!"]

MR. SPEAKER: The hon. Member should address himself to the Question before the House.

MR. HEALY said, that hon. Members should bear in mind that if, in two or three years, it were found that the clause did not give satisfaction, it would be as easy to strike against a judicial rent as it was against the rents of the present time.

DR. COMMINS said, he really could not see the advantage of this sub-section. When the rent came before the Court to be fixed, a great variety of considerations would be put forward both by the landlord and the tenant. The tenant would put forward a number of things to show what the value of his tenant right was, and the landlord would also bring forward a number of other things to show that the interest of the tenant was very small and of very little value. That being so, he wished to know why "the amount of money or money's worth that might have been paid or given for the tenancy of any holding" was singled out and made a special subject for the consideration of the Court—why was it made a subject of special exception at all? It was evidently made the subject of special exception for the purpose of whittling away the tenant right; and it must have been introduced for that purpose, and for no other conceivable purpose. No reason was offered to the House why it should be introduced exceptionally in this way, and brought forward negatively for the rejection of the Court. Seeing that the matter was brought forward in this manner, it could only be in order that it might tell against the tenant's interest and be a weapon in the hands of those who desired to cut down the interest of the tenant. The result, therefore, would be to make the people of Ireland distrust the Act, and have recourse to other methods for protecting their rights.

Question put.

The House divided: — Ayes 78 ; Noes 257: Majority 179.—(Div. List, No. 391.)

Lords Amendment, *agreed to*.

Lords Amendment in page 11, line 12.

MR. GLADSTONE: This Amendment is purely consequential upon the insertion in a later clause of the parenthetical words we inserted in the early part of Clause 7.

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendment."—(Mr. Gladstone.)

MR. GIBSON said, there were two differences to be observed. In Clause 8—formerly Clause 7—there were both this Amendment and the Amendment just disposed of, and it was necessary to read both together and in connection with each other. There was now no such Amendment to balance the present Amendment now being disagreed to; and he wished to know if the Prime Minister had considered the effect of striking out the words proposed in the Lords' Amendment. He admitted that the Amendment applied to the class of clauses called voluntary clauses, and that it might be either accepted or left alone.

MR. GLADSTONE: I am of opinion that, considering the purely voluntary nature of the clause, it would be better not to make any further change.

Question put, and *agreed to*.

Amendment *disagreed to*, in consequence of the Commons agreeing to the foregoing Amendment made by the Lords.

Lords Amendment in page 16, line 9, again read, with reason.

MR. GLADSTONE: This is an Amendment which is insisted on by the Lords for the reason which has just been read; but it is quite obvious that the terms of that reasoning are quite fatal to what has been admitted to be just and true with regard to the Ulster leases. I, therefore, move that the House should disagree with this Amendment and maintain the substance of the clause. There is, however, an Amendment which we propose to insert in lieu of it, the object of which is to bring the clause relating to this class of leases into analogy with the clause relating to the judicial class of leases, by providing that all leaseholders should be present tenants at the close of a judicial lease,

if the judicial lease should be for a term not exceeding 60 years, which is a pretty liberal term. We propose to put in words placing the same regulation as to time, and making the clause applicable to leases not exceeding that term. The exact Amendment we propose is to insert in line 10 of page 16 of the Bill, after the word "leases," the words "or of such of them as shall expire within sixty years after the passing of the Act."

Motion made, and Question proposed, "That this House doth disagree with The Lords in the said Amendment in view of a subsequent Amendment in the words so restored to the Bill."—(*Mr. Attorney General for Ireland.*)

MR. GIBSON said, he supposed that the House was familiar, having the Paper before them, with the important character of the Amendment, which the Prime Minister stated that he did not see his way to assenting to. As the Amendment had been repeatedly discussed in the House, and as it was one on which he had himself already expressed his views, he should not weary the House by repeating his argument in any detail. But he must, however, state that he thought it was, in principle, a serious change, and a serious inroad on a principle which had always been maintained. It would seriously interfere with one of the most important covenants that existed in all leases, and it would add to all leases the right at their termination to the lessee of a holding to hold on as long as he pleased. He assumed that the changes made on the last occasion would now be replaced; and, to some moderate extent, that course would meet the objections he had made. The very limited power of resumption given to the landlord would meet the objection in some special cases; but it must be borne in mind that the power of resumption was made difficult to the landlord. It was not left to his own discretion for any purpose, however serious and important it might be to the landlord; but, in the first place, he must satisfy the Court; and, in the second place, he must pay every fraction awarded by the Court. This, of course, raised a serious difficulty, and the power of the Court cut down to the narrowest limit the advantage to the landlord. The Prime Minister now proposed another modification, which, as he (*Mr. Gibson*)

understood it, was this—to provide that the clause should only apply to leases which had 60 years to run.

MR. GLADSTONE: To expire.

MR. GIBSON said, it would apply to leases which at present had 60 years undetermined.

MR. GLADSTONE: Less than 60 years.

MR. GIBSON said, that, of course, was a qualification; but it was a qualification which he did not think would meet many of the objections originally urged to the clause. He himself felt that, even taking the arguments urged by the Prime Minister on a previous occasion, the proposed Amendment did not meet the objections he had raised to the principle of the clause. In these circumstances, he could not allow the clause to pass without again making a protest against the principle involved in it. Even accepting the statement of the Prime Minister that the easy-going way of doing business in Ireland, and the kindness of feeling on the part of the landlord had not, as a rule, induced him to seek the resumption of a farm on the expiration of a lease, the clause laid down that the matter should not be regulated by usage, but by a hard-and-fast contract. It took away from the landlord, in the management of his property, all the grace and kindness of the old usage, and substituted a rigid line arrived at by breaking all the old principles which had been so long established. He could not allow such a step to be taken by the Prime Minister without a protest.

MR. HEALY said, the final words of the right hon. and learned Gentleman the Member for Dublin University (*Mr. Gibson*) with reference to this matter, which had all been arranged beforehand, reminded him of the chant of a dying swan. The right hon. and learned Gentleman must still make his last protest; but if he (*Mr. Healy*) and his hon. Friends were to protest against this limitation of 60 years, it would seem that they had no faith either in Irish Land League principles or in the success of the Home Rule movement. He asked what security there was that when the Bill came back once more, the Government would not insert 30 years, instead of 60 years? If the Government could give an assurance that this was the very last change they would make in the

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clause, he thought that the Amendment might pass without a division.

MR. CAVENDISH BENTINCK said, if this point had been reached at an earlier period of the evening, he should have felt it his duty to offer some opposition to the principle involved in the proposal of the right hon. Gentleman the Prime Minister; but, under the circumstances, he would only inquire of the Government how they proposed to deal with leases in Ireland which were held for lives and years? It would be quite clear to the right hon. Gentleman and the Law Officers of the Crown that there were many leases in Ireland, especially in that part of it with which he (Mr. Cavendish Bentinck) happened to be acquainted, where leases had been granted for lives and 21 years after the dropping of the last life on the payment of a fine. The right hon. Gentleman, on a former occasion, spoke of the defenceless condition of the Irish tenants. On the contrary, he (Mr. Cavendish Bentinck) believed that an Irishman was never defenceless at any time; from a considerable acquaintance with the Irish race, he was sure they were quite able to defend themselves. But how could any Irish tenant be said to be defenceless when he had in his pocket sufficient money to pay the fine for the grant of a lease? Now, the form of leases which obtained in the part of Ireland to which he referred was remarkable; he had one in his possession at that moment, and it was quite clear that the Law Officers of the Crown were ignorant of the very important provision which that form of leases contained, giving power to the lessee to determine the lease at six months' notice. That was clearly part of the contract, and he believed that any Court in the land would scout the view that the landlord could be deprived of his right in this respect. The lease which he held in his hand was granted in 1858 for three lives, the ages then being from 7 and 11 years respectively, and was to be continued for 21 years after the dropping of these lives. It was clearly a matter of speculation whether the lease would endure for 60 years or not. The point raised by this Amendment was one of great importance, and one which should be dealt with before the Bill left the House, in order that the tenants, lessors, and lessees, in cases of the kind might not be left in a state of

uncertainty. There had been some very extraordinary doctrines promulgated from the Treasury Bench, and the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law) had concurred in the view that a lease, being under seal, it was to be construed, not by what it expressed, but by some extrinsic evidence derived from nobody knew where. It was rumoured that before long the right hon. and learned Gentleman would hold a very distinguished position in his Profession; but, when that event took place, it was to be hoped that his decisions would in no way be regulated by such doctrines as he (Mr. Cavendish Bentinck) had alluded to.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the right hon. Gentleman appeared to be under a misapprehension, of which he (the Attorney General for Ireland) would endeavour to relieve him. There was no difficulty in the case he had just presented. If the lives and years did not come to an end in 60 years, the lease would not be within the operation of this clause; if they did so come to an end, it would.

Question put.

The House divided:—Ayes 208; Noes 100: Majority 180.—(Div. List, No. 392.)

Motion made, and Question, "That in place of the words struck out by The Lords, the following words be inserted:—

"Provided that at the expiration of such existing leases, or of such of them as shall expire within sixty years after the passing of this Act, the lessees, if *bonâ fide* in occupation of their holdings, shall be deemed to be tenants of present ordinary tenancies from year to year, at the rents and subject to the conditions of their leases respectively, so far as such conditions are applicable to tenancies from year to year; but this provision shall not apply where a reversionary lease of the holding has been *bonâ fide* made before the passing of this Act; and provided also that where it shall appear to the satisfaction of the Court that the landlord desires to resume the holding for the *bonâ fide* purpose of occupying the same as a residence for himself, or as a home farm in connexion with his residence, or for the purpose of providing a residence for some member of his family, the Court may authorise him to resume the same accordingly in the manner and on the terms provided by the fifth section of this Act with respect to the resumption of a holding by a landlord: Provided always, that if the hold-

ing so resumed shall be at any time within fifteen years after such resumption re-let to a tenant, the same shall be subject, from and after the time of its being so re-let, to all the provisions of this Act which are applicable to present tenancies."

—(*Mr. Attorney General for Ireland*), put, and agreed to.

Lords Amendment, in page 16, line 24, read.

Amendment proposed, to amend the Amendment made by The Lords to the words restored by The Commons in page 16, line 24, by inserting therein after the word "may" the words—

"By leave of the Court, which leave shall be granted unless the Court shall consider the appeal frivolous and vexatious."—(*Mr. Attorney General for Ireland*.)

Question proposed, "That those words be there inserted."

MR. GIBSON observed, that as the Bill proposed to give the Court the power to break leases, under a new system now to be established, it was to the last degree reasonable that that power should be subject to some check. What was the meaning of this qualification? How could it be frivolous to appeal against the setting aside of a lease? The grounds upon which a lease was to be set aside were peculiar, and he would like to ask how an appeal, under such circumstances, could be considered frivolous and vexatious? He presumed that the right hon. and learned Gentleman the Attorney General for Ireland would admit that if a man had his lease set aside, he should be able to appeal. That was the substantial point. Would it not be better to leave it so? Plainly, it was intended that the Court should allow an appeal, except in special circumstances; but he was at such a loss to understand what those special circumstances were to be that he thought it would be better not to introduce special words, as proposed.

CAPTAIN AYLMER reminded the House that the landlord was to be charged with the moral offence of having used undue influence and acted unjustly in making unreasonable terms, and he thought every Englishman would wish to see every opportunity given to him to go to the Court to clear his character. He hoped the Amendment would be withdrawn.

MR. WARTON pointed out that the proposed words would make the clause read awkwardly, for it was difficult to connect the word "may" with the proposed words.

MR. HEALY did not think it mattered much one way or the other; but he wished to know something as to the question of costs. If the Court below did not think the appeal frivolous, then it appeared to him that the costs should be equally divided. If it was fair that an appeal might lie, then the costs ought to go to the party who carried the appeal; and he would suggest that the Court should have power to make an order as to costs, without leaving any power to the Court above.

Question put, and agreed to.

Lords Amendment, as amended, agreed to.

Lords Amendments, in page 25, line 16, and in page 31, line 6, agreed to.

Lords Amendment, in page 39, lines 22 to 30, read.

MR. GLADSTONE: I wish, upon this Amendment, to notice some novel insinuations which have been made somewhat recklessly. It is said that there is a perfect understanding and arrangement between this and the opposite Benches as to the mode in which these proposals are to be dealt with, and it is understood that this House is not engaged in deliberative functions, but simply in giving effect to conclusions already arrived at. We have had plenty of opportunity for using hard words, and on the 50th night of this discussion I do not wish to use hard words, and I will withdraw the word "reckless." There are here about 21 of these Amendments, and, as far as I know—and I apprehend I ought to know—hon. Gentlemen opposite were not aware when they came into the House to-day, or at any time during the evening, what course the Government intended to take upon any one of these Amendments. Now, Sir, this is a clause in regard to which we have been very unfortunate. The hon. Member for the City of Cork (Mr. Parnell) pointed out—and, as we thought, justly—that there might be a temptation to use the process known as *fi fa* for the purpose of selling up peremptorily, by modes open to the

landlord like any ordinary creditor, unfortunate persons who were in arrear, and who, if time were given to them to obtain a judicial rent, would be, perhaps, able to extricate themselves from their embarrassments; and, at all events, by selling their holding, to offer much more security than the creditors would have if this time were not given. I do not wish to go over the arguments; but the point that was urged by the opponents of this clause was that it would offer a general inducement to a very large proportion of the tenants of Ireland to withhold the payment of rents, and to rush into the Court for the sake of obtaining a judicial rent, not merely on the genuine and legitimate grounds upon which a judicial rent might be sought, but likewise for the sake of avoiding all payment of rent. I am not going to make an argument generally against that; but we do say this—that, in our opinion, the delay before the fixing of a judicial rent would be a very short delay. I am in the recollection of hon. Members opposite that that was our contention, that the delay would be very short, and would be no hardship to the creditor, viewing the advantage he would have in the better security provided for in the value of the tenancy when the judicial rent was fixed. The House of Lords rejected the clause. It came down here, and we, bearing in mind the argument made against us, that it would be very hard for the landlords as well as the other creditors to be kept out of their rents for a length of time, amended the clause by inserting a provision that the Court must be satisfied that the judicial rent had been fixed within a reasonable time, not exceeding three months. We gave into that, not as a mere concession to the House of Lords, but because we felt the force of the argument that the hardship would be extreme to the landlords and the creditors if the proceedings were not pretty rapid. Having made that Amendment, we found that the hon. Member for the City of Cork, and those who had urged the argument on the side of the embarrassed tenant, took a very severe view of it, and considered that it destroyed the value of the clause. However, we persevered, and sent the clause again to the Lords; but while we have exasperated its friends, we have not propitiated its foes. It is again refused,

and it comes back to this House with all those previously opposed to it still in opposition, and those who previously supported it declaring that in its present shape it is of no value. The hon. and learned Member for Meath (Mr. A. M. Sullivan) is stated to have said that practically the Amendment would render this clause entirely valueless to nine-tenths of the people. He said, further, that the provisions of the clause, as they at present stood, were not worth a farthing, and he would prefer to have them out of the Bill altogether, rather than it should be supposed that the Government had made any concession in this respect. The hon. Member for Carlow (Mr. Dawson) made an emphatic declaration, I think, to the same effect, and said it would be more straightforward on the part of the Government to omit the clause altogether. And another hon. Gentleman—the hon. Member for Louth (Mr. Callan)—also denounced the Amendment; while the hon. Member for Wexford (Mr. Healy) recommended its withdrawal. I do not think, if we are in such a condition in respect to a clause like this, we feel bound to insist on the strict limitation of time, and not being able to resist the arguments made against us, and the friends of the clause declaring that that limitation makes it wholly valueless, I do not think we are now in a position to persevere with the clause. We must act upon those declarations. I should have been glad if we could have persevered with the clause, if it could have been done without inflicting hardship and injustice; but we cannot press it in the terms in which we should feel bound to press it, when it is declared to be valueless as holding out to the people of Ireland promise of advantage and relief which they are not really to receive. Under these circumstances, it will be my duty to move, with regard to this Amendment, that the House do agree to the last Amendment.

Motion made, and Question proposed, “That this House doth not insist on its disagreement with The Lords in the said Amendment.”—(*Mr. Gladstone.*)

Mr. PARNELL said, that if he supposed that the term was Parliamentary, he would be tempted to say that he considered the conduct of the Government in this matter thoroughly contempt-

tible, and a fitting sequel to the course they had pursued during the evening. The right hon. Gentleman, in leading up the way in explanation of the course he was going to pursue on this clause, laboured to persuade the House that there was no secret compromise entered into with regard to this Bill. He thought the statement of the right hon. Gentleman was scarcely a credible one.

MR. GLADSTONE: I must call the hon. Member to Order. When the hon. Member describes the conduct of myself and my Colleagues as contemptible, I can sit, and I think they can sit, under that imputation without being in the slightest degree annoyed or disturbed; but when he chooses to go beyond the limits of Parliamentary decency, and says a statement of fact made by a Member of this House is not credible, I think he is out of Order.

MR. SPEAKER: The hon. Member will admit, I think, that an expression of that kind applied to a Member of this House is not Parliamentary.

MR. PARNELL said, that, of course, if the Speaker ruled him out of Order in saying that the statement of the Prime Minister, in view of the circumstances of the last few days, and of the entire change of front by the Government in regard to these Amendments, was scarcely credible, he would withdraw the statement at once, and would go on to say that the course of events that evening had plainly shown him that there had been some influences at work which he had not been able to see, and the extent and nature of which he had not been able to penetrate, and that there had been reasons which had weighed with the Government in regard to the course they had taken which they had not given to the House as their reasons. The conduct of the Government upon this clause was a fitting sequel to their conduct during the evening; and the right hon. Gentleman, who was responsible for the inefficient, useless, and illusory shape of this clause as it now stood, coolly attempted to throw upon him (Mr. Parnell) the responsibility of the abandonment of the clause.

MR. GLADSTONE rose to explain—

MR. PARNELL said, the right hon. Gentleman could give his explanation afterwards. By his own action, and against the protests of the Irish Members, the Prime Minister had made this

clause useless and illusory for fulfilling the purpose for which the Chief Secretary for Ireland had declared it to be necessary. The necessity for this clause, not in its present shape, but in its original shape, as moved by him (Mr. Parnell) and accepted by the Government, was just as great now as ever. It would be just as possible for the landlord to drive a coach-and-four through the Bill; and the fact that the Prime Minister had accepted the clause, and then mutilated it and made it useless, did not exempt the Government from the odium of having yielded to pressure. For his part, he left the responsibility of the affair with the Government, and he could only say that the organization there was in Ireland would prove a more efficient protection against abuse of power than any wish the Government might have in reference to the matter.

MR. GLADSTONE: I wish to relieve the hon. Member opposite (Mr. Parnell) from the entirely erroneous supposition—which no other hon. Member shares—that I made him responsible. I did nothing of the kind. The responsibility for the abandonment of the clause is entirely with the Government. The hon. Member was responsible for declaring that the clause in its present shape was useless, and all I did was to cite the hon. Member on the clause in its original shape. The Government are responsible for the clause in its present shape.

MR. CHARLES RUSSELL regretted as much as the hon. Member opposite (Mr. Parnell) the abandonment of the clause as it originally stood. He thought the clause, if limited to three months, would have been practically of little value; but he entirely disagreed with the view of the hon. Member for the City of Cork, that the Government had by their concession in this regard in any substantial degree impaired or lessened the value of the Bill. As one who had anxiously watched the Bill, as one who had used no language of indiscriminate eulogy towards it, and as one who had laboured to render it valuable for the Irish tenants, he thought it only just to say that he thought in its main and substantial character, for the protection of the Irish tenants, the Government had stood manfully by the Bill.

MR. T. P. O'CONNOR said, he was not surprised at the action of the Mi-

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nistry. He had always regarded himself up to this evening as the one person in Parliament who did not and never could believe in the existence of a crisis at all. From the beginning he had endeavoured to convince people that the whole matter was a storm in a teacup, and the picture of the Prime Minister putting his foot down on the one side, and the noble Lord (Lord Carlingford) in "another place" doing the same, was the creation of an excited imagination. What was the meaning of this transaction? He did not know whether the Government wished to excite some waning enthusiasm, or to make the country forget their errors; but anyone who read the newspapers would be firmly convinced that the Prime Minister had made up his mind to make some radical changes in the Constitution of the country. He was amused to see his hon. Friend on the Radical Benches, with a load of telegrams from public meetings and associations, all eager for the Prime Minister to make the sound radical declaration he made in introducing his remarks upon this clause against "another place." These very things which were declared by all the Ministerial organs to be of the first importance had now been brought down by the Ministry to matters of the most trifling detail. What was the Prime Minister going to put his foot down upon? Upon having regard to the interests of the landlord and the tenant. That had been a great point of controversy and collision between those in "another place." The right hon. Gentleman the Chief Secretary for Ireland almost fell upon the neck of the hon. Member for the City of Cork (Mr. Parnell), and shed tears of joy at the infallible nostrum the hon. Member provided for a reconciliation. But now what had become of the clause? The right hon. Gentleman the Prime Minister whittled the period down to three months, and now, taking advantage of his own wrong, he sought to get rid of the clause altogether. He remembered the Prime Minister nodding his head significantly when the noble Lord the Member for Calne (Lord Edmond Fitzmaurice) was objecting to one of the clauses of the Bill, and said that the interest of the tenant in the tenant right had been reduced to zero. The Jove of the Olympian Treasury Bench nodded his head to sig-

nify his acquiescence in the opinion that the tenant right had been reduced to zero. If that were really so, all the tenants were absolutely placed at the mercy of the landlords if they happened to owe arrears of rent. The right hon. Gentleman the Chief Secretary for Ireland was intrusted with the duty of governing Ireland. He (Mr. O'Connor) did not know for how long or how short a time he meant to retain that duty. [*Cries of "Question!"*] If he was not able to make his remarks clear to the intelligence of hon. Members opposite, it was not his fault. The right hon. Gentleman the Chief Secretary for Ireland had the duty of governing Ireland; and a large number of the tenants were in peril of forfeiture of their holdings if some clause like that proposed by his hon. Friend the Member for the City of Cork were not inserted in the Bill. For his own part, he did not feel much aggrieved by the course the Government proposed to take. He would certainly feel aggrieved if he thought the tenants of Ireland were dependent on the Government, or upon this Bill, or upon any proceedings which the Government might take; but he knew they had something far more stable to found their hopes upon than the friendship of a Liberal Ministry, or any pledges they might make.

MR. O'DONNELL said, he had listened with very great interest indeed to the declaration of the Government that the harmony sought to be established in "another place" was not the result of a compromise, and he was accordingly led to conclude that the warm and interesting discussion which was supposed to have taken place upon the Land Bill between the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) and the hon. and learned Solicitor General (Sir Farrer Herschell) had been a matter for their own private gratification. It was a gratifying thing, in these days of Party warfare, and spoke much for the innate nobleness of political controversy, to find that even common rumour could accurately guess the action of Her Majesty's Government, and predict with certainty that they intended to meet the wishes of the House of Lords, and surrender the protection which, on the initiative of the hon. Member for the City

of Cork (Mr. Parnell), they had consented to throw around the Irish tenants. By the surrender of the protection proposed to be given to the Irish tenants, which Her Majesty's Government had now accomplished, thousands and tens of thousands of tenants in Ireland were liable to be deprived of all the advantages which it was presumed they would derive from this Bill. It was left entirely dependent upon the mercy of the Irish landlords whether tens of thousands of tenants were not sold out within the next few months; but very possibly the Irish landlords might prove to be much more merciful than Her Majesty's Government. The right hon. Gentleman the Chief Secretary for Ireland had thanked, in the most effusive manner, the Leader of the Irish Party for supplying this indispensable protection to the Irish tenantry. There could be no doubt that all the sincerity and honesty of the right hon. Gentleman's character went forth in that solemn declaration of thankfulness, and that, having made it, he had satisfied his conscience, and would stick to his official position. The proceeding was in perfect keeping with the whole official bearing of the right hon. Gentleman. The conduct of the Government had already been characterized by an epithet which was not altogether undeserved, and it was unnecessary to add to that epithet, as it precisely described the conduct of the Government. He was satisfied, however, that the Irish tenantry had learnt a lesson, teaching them to organize so thoroughly that much of the mischief which might come upon them from this wretched abandonment of the pledges of the Government would not be brought about. But even the abject surrender of Her Majesty's Government to the House of Lords might not give them the satisfaction and peace and uninterrupted enjoyment of their official positions which they doubtless looked forward to. There was "many a slip 'twixt the cup and the lip." He concurred with his hon. Friend the Member for Galway (Mr. T. P. O'Connor) in never having believed in the occurrence of a serious Ministerial crisis. There was much more danger, and it might still exist, of a crisis on the side of the Conservative Party. No one who had witnessed what had been going on in the last few days,

and had seen the quaking Liberal, green with terror at the thought of a Dissolution, could have believed in the reality of a crisis. No one who had watched their heart-born countenances could have supposed there was much of a critical nature about the resistance of the Liberal Party. They had cheerfully surrendered before friend and foe, and they were now being allowed to perform their triumphant retreat as the worthy followers of an unprincipled Government.

MR. HEALY said, the right hon. Gentleman the Prime Minister stated early in the evening that there had been no compromise. He (Mr. Healy) quite believed the right hon. Gentleman that there was no necessity for making a compromise. The Government was one of surrender and not of compromise. They surrendered Candahar; they surrendered Afghanistan; they surrendered the Transvaal; and what objection could they have to the surrender of a clause in the Land Bill? He was reminded by an hon. Friend that they had even surrendered Mr. Bradlaugh. The Tory Party knew too well the character of Her Majesty's Government to require a compromise; and he did not believe that they had found any necessity for entering into any arrangement or any negotiation with the Government, because they were satisfied that, as a matter of course, they would capitulate, and that a surrender would follow. He could, therefore, quite credit the statement of the right hon. Gentleman the Prime Minister that the proceedings of that night were in no sense the result of a compromise. The House had been told by the hon. and learned Member for Dundalk (Mr. Charles Russell) that the Bill had been in no way impaired by the concessions which had been made. It was exactly what they had heard in regard to Candahar; the British Empire was in no way impaired by that surrender. We had surrendered the Transvaal; but after all it must be confessed that justice was on our side. [*Cries of "Question!"*] He could readily believe that the analogy was much too perfect for hon. Gentlemen opposite. He could easily understand how it was that an Irish Ministerialist could get up and say that the present surrender of the Government was of no account at all. When

the House summed up the frightful total of surrender to the House of Lords, which the Government had consented to, they would have no difficulty in believing that the Cabinet weighed and liberated for a considerable time as to whether there should be a preliminary statement of the course they intended to take. It was amusing, in the early part of the evening, to see the bellicose Radicals come down to the House with their telegrams and Petitions. Calling upon the Government to stand fast by the Bill, the Prime Minister must have been aware how horrified the Radicals would be by the work of surrender contemplated by the Government, and he therefore wisely abstained from making a preliminary statement on the Order being read for the Consideration of the Lords' Amendments. They all recognized the wisdom of the course the right hon. Gentleman had taken. Personally, on this the 50th night of their deliberations, he (Mr. Healy) congratulated the right hon. Gentleman upon it. Before he sat down he should like to say one word more. They were now agreeing with the Lords in striking out this clause; but there was a passage in what occurred a day or two ago which he should like to read to the House as a final touch—and it related to the Commons' reasons for disagreeing with the Lords' original Amendments. The Government then found it expedient to put in black and white what their reasons were for insisting on sticking to this excellent clause. He had it before him in black and white, or rather in black and blue—very like the Bill itself—

"The Commons disagree to the Amendment at page 39, lines 22 to 30, for the following reason: because"

—he could almost trace the accents of the Chief Secretary—

"because it is expedient to provide that where a tenant is seeking to obtain a reduction of rent and statutory term through the intervention of the Court, the sale of his tenancy at the suit of a creditor may, under special circumstances, be stayed for a short time so that the true value of his tenancy may be realised."

[Mr. W. E. FORSTER: Hear, hear!] The right hon. Gentleman the Chief Secretary for Ireland cheered; but the words, like the right hon. Gentleman's Resolutions, had faded—like Hans Breitman's cele-

brated party. "Where is that party now?" And what had become of the Reasons which the House of Commons felt it necessary to send up to the House of Lords? They were gone; and gone with them were the hopes of thousands of the Irish tenants.

Mr. LEAMY said, the result of the rejection of this clause would be that directly the Bill became law every Irish landlord would commence proceedings to obtain a judgment in execution against any tenant who happened to be in arrear. The landlord would have the full right of selling out all tenants in arrear, putting every penny of the proceeds of the sale into his own pocket and shutting out the ordinary creditor from all remedy.

Question put.

The House *divided*:—Ayes 196; Noes 70: Majority 126.—(Div. List, No. 393.)

Motion made, and Question proposed,

"That a Committee be appointed 'to draw up Reasons to be assigned to The Lords for disagreeing to the Amendments made by The Lords to the Bill, to which this House hath disagreed':—Mr. GLADSTONE, Mr. WILLIAM EDWARD FORSTER, Mr. ATTORNEY GENERAL for IRELAND, Mr. DODSON, Mr. SHAW LEFEBVRE, Mr. SOLICITOR GENERAL, and Mr. SOLICITOR GENERAL for IRELAND:—Three to be the quorum."

MR. T. P. O'CONNOR: Am I in Order, Sir, in moving an addition to the names proposed?

MR. SPEAKER: The hon. Member will be in Order in moving.

MR. T. P. O'CONNOR: I have pleasure in proposing that the name of the hon. Member for Wexford (Mr. Healy) be added.

MR. O'DONNELL: I think it would be more *apropos* if the right hon. and learned Gentleman the Member for Dublin University (Mr. Gibson) were upon the Committee.

MR. GIBSON: There is no desire on my part to serve upon the Committee.

MR. HEALY: I have no wish to be a Member of the Committee. I have only to express a hope that the next time the Reasons are printed they will be adhered to.

Question put, and *agreed to*.

Committee to withdraw immediately.

ROYAL UNIVERSITY OF IRELAND BILL.

—[*Lords.*.]—[BILL 247.](*Mr. William Edward Forster.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed,
 "That the Bill be now read a second time."—(*Mr. William Edward Forster.*)

MR. HEALY rose to Order. The right hon. Gentleman the Chief Secretary for Ireland had been appointed one of the Committee that had just been ordered to withdraw, and he still retained his seat on the Treasury Bench.

Question put.

MR. HEALY again rose to Order. The right hon. Gentleman had just been ordered to withdraw, and had not done so.

MR. SPEAKER: The right hon. Gentleman is quite in Order in moving the second reading of this Bill; and I have put that Question to the House.

MR. HEALY asked whether he could raise the question of Privilege? This proceeding affected the Privilege of the House of Commons, inasmuch as the Order of the House had been disobeyed.

MR. SPEAKER: I have already informed the House and the hon. Member for Wexford (*Mr. Healy*) that the right hon. Gentleman is in Order. The question of Order has no foundation.

MR. T. P. O'CONNOR said, that hon. Members on those Benches felt very strongly on the subject-matter of this Bill. He objected to the second reading being taken at that hour, and therefore begged to move the adjournment of the debate.

Motion made, and Question proposed,
 "That the Debate be now adjourned."
 —(*Mr. T. P. O'Connor.*)

MAJOR NOLAN hoped the hon. Member for Galway would withdraw his Motion, otherwise there was no chance of the measure being passed that Session. It would be a great pity if the Bill were not read a second time that night.

MR. W. E. FORSTER regretted that the second reading should have been moved at so late an hour; but he trusted that hon. Members interested in the question would consider that if the Bill was to become law that Session, it was very desirable that nothing should be

allowed to stand in the way of the present stage being taken. There was no Notice of opposition to the Bill upon the Paper, and he did not suppose that any objection would be taken. He earnestly desired that all those who were concerned and interested in the question would consent to the second reading being taken; and he would do his best to take the next stage of the Bill at an earlier time. Under the circumstances, he trusted the hon. Member for Galway would not persevere with his Motion for the adjournment of the debate.

MR. GIBSON said, he did not think it unreasonable, having regard to the time of the Session, that the Bill should be read a second time; and he had no doubt that the right hon. Gentleman the Chief Secretary for Ireland would, on the next occasion, do all he could to bring it on earlier in the evening. He had some remarks to make when the next stage was reached on the expense of the Examiners and the unlimited number and indefinite amount of the prizes, to which he would not now refer in detail.

MR. DAWSON thought it would be a great calamity for the Irish people if the Bill were read a second time at that hour without a protest. The Bill provided no education for the Irish people. It was a misnomer to describe the system as one of education. The examination paper had no other result than to bring about the same state of things in the higher branches of education as was disclosed the other day by the noble Lord on that side of the House (*Lord George Hamilton*) in the case of *Mr. Goffin*—namely, a system of cramming for the purpose of getting grants. He regretted the right hon. Gentleman the Chief Secretary for Ireland had thought it right to take the second reading without giving Irish Members an opportunity for making a plea that the Irish people should be treated fairly in the matter of education. He thought they ought not, as it were, silently to sell their birthright in this matter for £20,000 a-year; and, although he was not at that moment prepared to discuss the Bill, he trusted that some further protest would be made that Irish Members had been driven, at an inopportune time of the morning, to give it a second reading.

MR. CHARLES RUSSELL agreed, to a certain extent, with the objections

made by hon. Members opposite. He could not regard the proposed scheme as by any means satisfactory, nor did he think it reasonable to take the second reading stage without some opportunity of discussing the principles of the Bill. Nevertheless, he put it to hon. Members, that if it was not taken then there was no chance of the Bill passing that Session. He thought it would be better to make the Bill, with all its disadvantages, into law than to postpone it until next year.

MR. O'DONNELL said, he rose to support the Motion for the adjournment of the debate. He had worked hard and long in the cause of reform of Irish University Education; but, so far as he could make out the present Bill, it was for the abolition of University Education in Ireland. It did not even provide a good examination paper—the machinery was bad even for that purpose—and he could say that the men who had the interest of education in Ireland at heart despised the Bill. Irish Members should, at least, have an opportunity of expressing their opinions upon it; but those exponents of the national feeling upon the subject of Irish University Education had been kept entirely in the dark with regard to the Bill. There was a great public interest taken in this matter; and, having formerly objected to the inferior character of the education in the Queen's University, he should be false to his principles if he allowed to pass without protest a measure which would make men look back with regret to the Standard at that University. He trusted, therefore, an opportunity of discussing the second reading would be given. It was quite impossible to allow that stage to be taken on the present occasion without a sincere protest on the part of Irish Members.

MR. LABOUCHERE reminded the House that the Prime Minister had promised the House, when he asked for the whole of the time of the House, that no controversial matter should be brought forward during the remainder of the Session. Every English Bill had been set aside for the Irish Land Bill; and he would like to know upon what grounds the promise given was to be departed from? It was very clear, from what hon. Gentlemen opposite had said, that this Bill would, at some stage, provoke

a lengthy discussion; and therefore he would like to ask the Chief Secretary for Ireland to explain upon what grounds the pledge given to the House was being violated?

MR. GIVAN quite thought this Bill was not sufficiently comprehensive for the requirements of education in Ireland; but, at the same time, he knew that a great amount of interest was concentrated upon the Bill by both Catholic and Protestant clergy. Their arrangements were made in view of the Bill being carried, and he thought it would be a great calamity if the intention to pass the Bill was frustrated. He hoped the second reading would be given to the Bill.

MR. LYULPH STANLEY thought the Bill which was now being attacked was a very small matter; and that if hon. Members had wished to prevent the Bill, they should have endeavoured to repeal the Act passed two or three years ago. The present Bill was only intended to give greater effect to the Bill already passed.

DR. LYONS hoped his hon. Friends would agree to the second reading. The Bill had been a long time under consideration, and it must be borne in mind that some years ago the present Government made an effort to settle this University Question, and he always regretted that the Bill introduced by the present Prime Minister had not become law. After careful consideration of the subject, he thought no such measure, in all probability, would be possible at any juncture of political circumstances in the near future. When a great opportunity, given in 1873, was lost, hopes were entertained that another and a greater measure would be introduced; but those hopes had been falsified, and the only possible measure that could be expected was that now introduced. A body of gentlemen, representing the education, and the religion, and the feelings of Ireland, had sat together for a long time, discussing the framework of a measure to be submitted to Parliament; and this Bill was only carrying out the essence of the Act of two years ago. The responsibility of the framework of the present measure did not rest with the Members of the Government; and he was prepared to say that if there was the smallest chance of a larger measure being considered, he would not accept this as the

best settlement of the question. A vast deal of elaborate and scientific consideration had been devoted to this University scheme. It had been under the consideration of the House for some time, and all that the House was now asked to do was to give effect to the previous Act. Therefore, he hoped the House would consent to the formal second reading of the Bill. If this Bill was wrecked, thousands of expectant educationists in Ireland would be greatly disappointed.

MR. HEALY complained of the action of the Chief Secretary for Ireland in this matter. The Speaker had said something which nobody could hear, and all that hon. Members were given to understand was that the second reading of this Bill was being moved. Except the Coercion Bill, he had not read a single Bill that Session; and it was a question whether the Chief Secretary for Ireland, when the second reading of this Bill was moved, ought not to say something in explanation. The right hon. Gentleman the Chief Secretary for Ireland, however, had not done that, and had treated the House unfairly.

MR. W. E. FORSTER observed, that no person could speak twice to a second reading, and therefore he had taken the course which he had adopted.

MR. HEALY replied, that there were other right hon. Gentlemen on the Treasury Bench who were fully aware of the circumstances of the case, and, therefore, the excuse of the right hon. Gentleman went by the board. To ask the House to discuss, at that hour, a Bill which they did not know anything about was unreasonable; and if the Chief Secretary for Ireland would allow the second reading to stand over to a reasonable time, the Irish Members would undertake not to oppose the second reading.

MR. GRAY sympathized with the hon. Member for Wexford (Mr. Healy) as to the importance of a Bill of this kind being introduced earlier in the Session. He had no particular admiration for the scheme; but the existing Bill having been passed, it was desirable to pass this Bill also. When the Bill was blocked, there was a feeling of alarm amongst many hundreds of people in Ireland; and if it was now stopped, it might be stopped altogether, and that would create a feeling approaching to consternation in Ireland. The Govern-

ment, which had already burnt its fingers with the University Bill, could not be expected to decide the question; and, considering that there would be abundant opportunity of discussing the principle of the Bill on the Committee stage, he thought it would not be desirable to persevere in opposition to the Bill.

MR. T. P. O'CONNOR wished to explain the course he intended to take. He felt very strongly with regard to the character of this Bill, and took great interest in University questions generally. He did not wish to sacrifice his chance of doing what he thought necessary in this case; but, as he had been appealed to by so many people, and did not wish to be ill-natured, he would withdraw his opposition. At the same time, he would suggest that the Chief Secretary for Ireland should, before the Committee stage, consider how he could bring the Bill on at an earlier hour.

MR. W. E. FORSTER promised to do his best in that direction, for he desired that there should be a good discussion on the Bill.

MR. LABOUCHERE said, he did not wish to detain the House. An hon. Gentleman (Mr. Gray) had said that the House ought to consider the expectant educationists in Ireland. He (Mr. Labouchere) was an expectant vacationist, and he was anxious that the House should adjourn as soon as possible. He had understood that no impediment would be placed in the way of that adjournment by the introduction of controversial matter, and he did not understand how the right hon. Gentleman the Chief Secretary for Ireland could enter into an agreement to afford time for discussing the measure.

THE MARQUESS OF HARTINGTON said, the hon. Member for Northampton (Mr. Labouchere) had misunderstood the assurance given by the Prime Minister. The Prime Minister had only pledged himself that Bills of a public controversial character should not be taken. If any hon. Member was prepared to oppose this Bill, of course it could not be passed, and the responsibility would fall upon those who opposed it.

MAJOR NOLAN wished to point out that there was really no controversy with regard to the Bill, and that it received the support of a large number of Irish Members. The only point was whether the Bill was large enough to

deal with the general question of University Education; but there was no dispute as to the necessity of passing the measure in the present Session. A great deal of harm had been done in Ireland through not having a proper system of University Education, and it was quite time that something should be done to remedy the evil. He sincerely hoped that no attempt would be made to delay the progress of the present Bill.

Mr. BRYCE said, he did not intend to discuss the merits of the Bill at any length; but he thought the second reading ought not to be allowed to pass altogether in silence. He was of opinion that the Bill was not properly understood by the House. It was not correct, as had been stated by two of his hon. Friends near him, that the measure was intended merely to carry out the Act of 1879. When the Bill of 1879 was introduced, it was subjected to a considerable amount of criticism, and the reply was that it was only a sketch giving the outline of a scheme, which outline was to be subsequently filled in by the Senate. The Senate were directed to prepare a scheme, and that scheme had now been prepared, and laid before Parliament, and the present Bill was brought in to give effect to it. Objection was taken to the scheme prepared by the Senate, on the ground that it was worse than the one shadowed forth by the Act of 1879. It would have been quite possible to have a much better scheme under that Act, and he sympathized with what had been said by his hon. Friend opposite (Mr. Dawson), that the Bill now under discussion was one which would do no good to the cause of education in Ireland. At that late hour (half-past 2) he would not ask the House to listen to any discussion on the merits of the Bill itself; but the Irish Members who took an interest in education, naturally protested against a scheme which they believed would satisfy nobody, which would not benefit Irish Education in any perceptible degree, and which would only form a basis for future agitation.

Mr. W. E. FORSTER said, the object of the Bill was to provide an endowment for carrying out the purposes of the Act of 1879. He had no wish to go back upon the discussion which occurred in 1879; but he thought that the Bill which was then passed did, to

a certain extent, make provision for a great want in Ireland. A great number of the Irish people were not satisfied with the Universities then in existence. He held now, as he held then, that it would have been far better to meet the want in a far more comprehensive manner; but, although that was his opinion, it was not the opinion which the House adopted. A measure was, however, passed, and the object of the present Bill was to enable that measure to be put into practical operation. He thought it would be a great disappointment to a large portion of the Irish people if Parliament refused now to try the experiment of establishing this new University. Not only would it be a great disappointment to a good many people, but it would be a great calamity to the cause of higher education; because it would be depriving the young men who hoped to take advantage of it of the means already provided, without putting anything in their place. He therefore thought that those who were interested in Irish Education were bound to support the present Bill in order to carry out the Act of 1879; and if, at some future time, it was found that that Act was not the best mode of carrying out University Education, an attempt might be made to improve it. His hon. Friend the Member for the Tower Hamlets (Mr. Bryce) said the Bill would satisfy nobody, and would not benefit Irish Education. He (Mr. W. E. Forster) must remind his hon. Friend that, after all, the scheme proposed by the Senate was the result of the labours of a large representative body of Irishmen, and, probably, the best representative body that could be found. His hon. Friend might possibly be right in his views; but, at any rate, he stood alone in those views, and, not being himself an Irish Member, his opinions were contrary to those which had been declared by a considerable number of persons who had carefully inquired into the subject. The mode in which the scheme had been prepared was this. The Senate were instructed to prepare it, and, having prepared it, it had been submitted to this Government and laid on the Table of the House. But the scheme was not binding. It merely contained such information as the Senate desired to lay before Parliament; and what would really be binding would be the statutes and regulations

made under the Act of 1879, and those statutes and regulations would have to be approved of by the Government, and laid upon the Table of the House. The Senate would act with the full knowledge that their recommendations would have to be approved by Parliament; and what the House had now to consider was whether any good object was to be gained by putting the matter off for another year. He would really submit to his hon. Friend whether he was so fully confident in his own views as to what Irish Education should be that he was prepared to subject the Irish people to the great inconvenience which the loss of what they were now striving for would entail? In regard to the future discussion of the Bill, he would do his best to secure the measure being brought on at as early an hour as possible. It had already passed through the other House of Parliament. He was sorry to say that, owing to the pressure of other Public Business, there was not much chance of bringing the Bill on at a very early hour; but, in order not to disappoint those who were interested in the question, he would try to induce hon. Members to submit to the inconvenience of discussing it at a late hour. Personally, he should very much prefer a full discussion, because he thought it was desirable that the public should know all that might be stated in regard to the provisions of the Bill.

MR. ARTHUR O'CONNOR thought the right hon. Gentleman the Chief Secretary for Ireland had scarcely treated the hon. Gentleman opposite, the Member for the Tower Hamlets (Mr. Bryce), fairly. The right hon. Gentleman told the hon. Member that he was not an Irish Member, and therefore that he was scarcely competent to discuss a question affecting Irish Education. But the hon. Member, if not an Irish Member, was an Irishman, and was therefore fully competent to take part in the discussion of an Irish question. The present Bill simply made provision for the appropriation of an Irish fund for University Education in Ireland, and by that provision it would save the Imperial Exchequer a certain amount of money now given to the Queen's University, which University, when the Royal University was started, would cease to exist. Therefore, it was at the expense of an Irish fund that the new University

was to be established. Personally, he looked upon the sum of £20,000 a-year proposed to be applied to the new University as a very inadequate sum. The Senate, when it drew up the scheme, framed it in a manner that was liberal and reasonable; but the Treasury refused to assent to it, because they considered that it would involve a larger expenditure than they were willing to agree to. The consequence was that the new Royal University was cut down to proportions which, he was afraid, would make it a deplorable failure. That, however, was a question which could be raised just as readily when the Bill got into Committee as upon the second reading. He should be sorry to do anything that could interfere with the second reading of the Bill; but he certainly could not understand why, seeing that it was a Bill of only one clause, the right hon. Gentleman could not have deferred it until a later date, when a full discussion could have been taken on it, and the necessity of discussing it in Committee obviated.

MR. O'DONNELL said, he was glad to hear the assurance which had been given by the right hon. Gentleman the Chief Secretary for Ireland that the scheme which had been drawn up by the Senate was a scheme still open to amendment. He thought it was quite capable of amendment. He quite agreed with the hon. Member opposite (Dr. Lyons), who stated that although the Act of 1879 did not provide for a good University, still, at any rate, it provided a better University than existed at present. He deprecated the limited nature of the provision made by the Act of 1879. The measure did not appear to provide sufficient backbone for the persons who undertook the carrying out of the important business dealt with by the Act. There seemed to him to be too much of the jelly fish in the system, and he was afraid that the new University would totally fail to content the Irish people. At the same time, if there were any further delay in carrying out some scheme or other, great mischief might be done to the cause of education in Ireland.

Question put, and *negatived*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed for To-morrow*.

Mr. W. E. Forster

LAND LAW (IRELAND) BILL.

REPORT OF REASONS.

COMMONS AMENDMENTS TO THE AMENDMENTS MADE BY THE LORDS TO THE AMENDMENTS MADE BY THE COMMONS TO THE LORDS AMENDMENTS, AND COMMONS REASONS FOR DISAGREEING TO CERTAIN OF THE SAID LORDS AMENDMENTS.

The Commons propose to amend the amendments made by the Lords to the amendment made by the Commons to the Lords amendment in page 2, line 5, by leaving out the words ("or acquired, and have in the main been upheld"), and inserting in lieu thereof the following words ("by the landlord or his predecessors in title, and have been substantially maintained"), by leaving out the word ("or") and inserting the word ("and"), and also by leaving out the words ("made or acquired").

The Commons disagree to the amendment made by the Lords in page 2, line 28, for the following Reasons:

- (1.) Because the purchase of the tenant right by the landlord in Ulster placed the landlord and tenant in the same relative position as they occupy in the rest of Ireland, and it would be unjust in the application of this Bill to subject the tenants in Ulster to a disadvantage which is not imposed on the tenants in any other part of Ireland:
- (2.) Because the landlord if he has not increased the rent so as to obtain a return for his investment in the purchase of the tenant right (including the tenant's improvements) may still have the rent fairly increased by application to the court.

The Commons propose to amend the amendment now proposed by the Lords in page 6, lines 3 and 4, by inserting after the word ("coalpits") the following words ("subject to such rights in respect thereof as the tenant under the contract of tenancy subsisting immediately before the commencement of the statutory term was lawfully entitled to exercise")

The Commons do not insist on their disagreement with the amendment made by the Lords in page 6, line 8, but propose as a consequential amendment to insert in page 6, line 7, after the word ("tenancy") the words ("save as herein-after provided")

The Commons disagree to the amendment now proposed by the Lords in page 6, line 37, for the following Reason:

Because they believe that their alteration of the scale of compensation for disturbance is expedient with a view to the effectual protection of the tenant against unreasonable and unjust eviction.

The Commons propose to amend the amendment now proposed by the Lords in page 8, line 16, by restoring the words omitted and by inserting the words ("or after") before the words ("the parties have otherwise failed to come to an agreement") inserted by their Lordships.

The Commons disagree with the amendment now proposed by the Lords in page 8, line 23, for the following Reason:

Because the object of the amendment is already fully provided for by the equities clause (§ 8).

The Commons disagree with the amendment now proposed by the Lords in page 8, line 35, for the following Reason:

Because it is desirable that for a reasonable time after the passing of the Act the tenant should not be liable to disturbance by "resumption" save for some breach of duty or for some public purpose.

The Commons propose to amend the amendment made by the Lords to the amendment made by the Commons to the Lords amendment in page 9, line 16, by leaving out the words ("or acquired and have been in the main upheld") and inserting in lieu thereof the following words ("by the landlord or his predecessors in title, and have been substantially maintained"); and also by leaving out the word ("or") and inserting the word ("and")

The Commons disagree to the amendment now proposed by the Lords to the words restored to the Bill in page 9 at the end of sub-section 8, for the following Reason:

Because, having regard to the clause already inserted in the Bill these words are superfluous, but the Commons propose to amend the clause by inserting the word ("otherwise") before the word ("compensated") so as to indicate that the latter word includes other words of compensation besides direct payment.

The Commons agree to their Lordships amendments in page 9, line 42, and propose, as consequential thereto, to re-insert the words omitted by their Lordships in the same clause in page 8, line 20, and also in page 11, line 12.

The Commons do not insist on their disagreement with the amendment made by the Lords in page 16, line 9; but they propose in place of the words struck out by the Lords to insert the words ("Provided that at the expiration of such existing leases, or of such of them as shall expire within sixty years after the passing of this Act, the lessees, if bonâ fide in occupation of their holdings, shall be deemed to be tenants of present ordinary tenancies from year to year, at the rents and subject to the conditions of their leases respectively, so far as such conditions are applicable to tenancies from year to year; but this provision shall not apply where a reversionary lease of the holding has been bonâ fide made before the passing of this Act; and provided also that where it shall appear to the satisfaction of the Court that the landlord desires to resume the holding for the bonâ fide purpose of occupying the same as a residence for himself, or as a home farm in connexion with his residence, or for the purpose of providing a residence for some member of his family, the Court may authorise him to resume the same accordingly, in the manner and on the terms provided by the fifth section of this Act with respect to the resumption of a holding by a landlord: Provided always, that if the holding so resumed shall be at any time within fifteen years after such resumption re-let to a tenant, the same shall be subject, from and after the

time of its being so re-let, to all the provisions of this Act which are applicable to present tenancies")

The Commons propose to amend the amendment made by the Lords to the words restored by the Commons in page 16, line 24, by inserting therein after the word ("may") the words ("by leave of the Court, which leave shall be granted unless the Court shall consider the appeal frivolous or vexatious")

With the preceding exceptions the Commons do not insist on their disagreements to the amendments on which the Lords have insisted, and agree to the amendments made by the Lords to the Commons amendments and to the Lords consequential amendments.

Reasons for disagreement to the Amendments made by The Lords to the Commons Amendments to The Lords Amendments reported, and agreed to :— To be communicated to the Lords.

UNIVERSITIES OF OXFORD AND CAMBRIDGE (STATUTES) BILL.—[Lords.]

(Lord Frederick Cavendish.)

[BILL 241.] SECOND READING.

Order for Second Reading read.

LORD FREDERICK CAVENDISH proposed to defer the second reading until to-morrow.

MR. J. G. TALBOT asked if it was really intended to take the second reading of the Bill to-morrow?

MR. BRYCE said, he had had a Notice on the Paper to prevent the Bill from being proceeded with after half-past 12 o'clock; but he had taken that Notice off, and there was now nothing to prevent the Bill being taken at any hour.

MR. J. G. TALBOT asked when the Notice was taken off?

MR. BRYCE: To-day.

MR. J. G. TALBOT said, he must repeat his question to his noble Friend the Secretary to the Treasury, whether it was proposed to proceed with the second reading to-morrow?

LORD FREDERICK CAVENDISH intimated that such was the intention of the Government.

MR. J. G. TALBOT remarked, that as the hon. Member for the Tower Hamlets (Mr. Bryce) had taken off his Notice against the Bill, the Government would be able to take the second reading at any hour. He wished, therefore, to have a distinct answer to the question whether it was proposed to take it at any hour, because it was only right

that those who were interested in the Bill should know whether it was likely to be brought on at an inconvenient hour. Of course, if the Government persisted in bringing on the measure at any time, he must make the best he could of the situation.

THE MARQUESS OF HARTINGTON understood that the Government did hope to be able to take the Bill to-morrow; but, no doubt, if the hon. Gentleman was in his place at 4 o'clock and would ask the Question, he would receive an answer.

Second Reading deferred until To-morrow.

NAVY AND ARMY EXPENDITURE, 1879-80.

Considered in Committee.

(In the Committee.)

1. Resolved, That it appears that by the Navy Appropriation Account, for the year ended 31st March 1880, that the balances unexpended in respect of Votes for Navy Services for the said year, amounted to the sum of £208,684 14s. 6d. viz. :—

	£	s.	d.
Vote 2. Victuals and Clothing for Seamen and Marines	38,347	17	0
Vote 3. Admiralty Office	1,635	2	6
Vote 4. Coast Guard Service and Royal Naval Reserves	3,305	3	5
Vote 5. Scientific Branch	6,642	6	8
Vote 7. Victualling Yards at Home and Abroad	3,509	16	0
Vote 8. Medical Establishments	1,168	3	4
Vote 9. Marine Divisions	787	3	8
Vote 10. Naval Stores, &c. :—			
Section 1. Naval Stores	64,733	18	11
Section 2. Steam Machinery, &c.	58,471	2	10
Vote 11. New Works and Repairs	20,159	19	4
Vote 12. Medicines and Medical Stores	9,755	9	7
Vote 13. Martial Law, &c.	168	11	3
	£208,684	14	6

2. Resolved, That the Commissioners of Her Majesty's Treasury have temporarily authorised the application of the said sum of £208,684 14s. 6d., to provide in part for the following amounts of Expenditure incurred in excess of certain other Votes for Navy Services for the said year, viz. :—

	£	s.	d.
Vote 1. Wages, &c. to Seamen and Marines	15,762	7	3
Vote 6. Dockyards and Naval Yards at Home and Abroad	2,768	1	1
Vote 14. Miscellaneous Services	4,691	17	2
Vote 15. Half Pay, &c.	8	3	7

Vote 16. Military and Civil Pensions, &c. :—	£	s.	d.
Section 1. Military Pensions and Allowances . . .	6,963	7	8
Section 2. Civil Pensions and Allowances . . .	1,780	13	3
Vote 17. Army Department (Conveyance of Troops) . .	592,571	1	9
Amounts written off as irrecoverable . . .	1,638	14	9
	£626,184	6	6

3. *Resolved*, That the said application be sanctioned.

4. *Resolved*, That it appears by the Army Appropriation Account, for the year ended the 31st March 1880, that the balances unexpended in respect of certain Votes for Army Services for the said year, amounting to the sum of £232,036 8s. 4d., were as follows, viz.:—

	£	s.	d.
Vote 3. Administration of Military Law . . .	1,091	17	1
Vote 5. Militia Pay and Allowances . . .	23,860	9	7
Vote 6. Yeomanry Cavalry Pay and Allowances . . .	1,962	12	10
Vote 8. Army Reserve Force . . .	30,895	15	6
Vote 13. Works, Buildings, and Repairs at Home and Abroad . . .	16,204	17	10
Vote 14. Establishments for Military Education . . .	5,865	13	5
Vote 18. Pay of General Officers . . .	8,253	15	2
Vote 19. Retired Full Pay, Half Pay, Pensions, and Gratuities . . .	123,261	3	11
Vote 22. Chelsea and Kilmainham Hospitals . . .	1,223	4	5
Vote 24. Superannuation Allowances . . .	6,472	13	1
Vote 25. Militia, Yeomanry Cavalry, and Volunteer Corps . . .	2,944	5	6
	£232,036	8	4

5. *Resolved*, That it further appears from the said Account that the sum of £189,108 19s. 6d., was realised in the said year in excess of the estimated Appropriations in Aid.

6. *Resolved*, That the Commissioners of Her Majesty's Treasury have temporarily authorised the application of the said sums, amounting together to the total sum of £421,145 7s. 10d., to provide in part for the following amounts of expenditure incurred in excess of certain other Votes for Army Services for the said year, viz.:—

	£	s.	d.
Vote 1. General Staff and Regimental Pay . . .	282,010	7	0
Vote 2. Divine Service . . .	1,004	14	11
Vote 4. Medical Establishments and Services . . .	13,331	10	1
Vote 7. Volunteer Corps Pay and Allowances . . .	9,995	11	11
Vote 9. Commissariat, &c. Establishments . . .	160,949	4	7

Vote 10. Provisions, Forage, Fuel, &c. . .	£	s.	d.
	2,034,065	9	8
Vote 11. Clothing Establishment, &c. . .	89,133	7	10
Vote 12. Supply, &c. of Warlike and other Stores . .	532,249	18	4
Vote 15. Miscellaneous Effective Services . . .	56,382	13	5
Vote 16. Administration of the Army . . .	4,836	1	0
Vote 17. Rewards for distinguished Services, &c. . .	184	2	4
Vote 20. Widows' Pensions, &c. . .	8,077	15	0
Vote 21. Pensions for Wounds . . .	1,743	8	7
Vote 23. Out Pensions . .	52,900	19	3
Amounts written off as irrecoverable . . .	606	15	10
	£3,247,471	19	9

7. *Resolved*, That the said application be sanctioned.

MR. ARTHUR O'CONNOR wished to point out that under Vote 10 of the Navy Estimates for the year 1879-80, there was a sum not required of £64,700, under Section 1, for Naval Stores, and of £58,000 for Steam Machinery, besides £20,000, under Vote 11, for New Works and Repairs. He wished to call attention to the fact, because tomorrow, or at a very early date, the House would be called upon to pass similar Votes in the present year's Navy Estimates, and he thought it ought to be borne in mind that last year more money had been voted than was actually required. He also wished to point out that in regard to the Army Votes—on Vote 10, for Provisions, Forage, Fuel, &c.—there had been a sum voted in excess of the sum actually required of no less than £2,000,000. The Vote was a very large one, and it had been enormously exceeded; and when the right hon. Gentleman the Secretary of State for War proposed to take Vote 10 this year, at 1 o'clock in the morning, hon. Members were thought very unreasonable because they objected to proceeding with such an important Vote at such an hour. He thought the fact of the existence of these excesses fully justified the position then taken by hon. Members.

LORD FREDERICK CAVENDISH thought the hon. Member should remember that the excesses had connection with the war in South Africa.

Resolutions to be reported *To-morrow*.

SOLENT NAVIGATION BILL.—[BILL 207.]

(*Mr. Evelyn Ashley, Mr. Chamberlain,
Mr. Trevelyan.*)

COMMITTEE.

Order for Committee read.

MR. EVELYN ASHLEY, in moving that the Order for going into Committee on the Bill be discharged, said, the House must not be alarmed, because it was merely a formal matter. The Examiners of Standing Orders had reported that the Standing Orders had not been complied with, and that the Bill, though virtually a Public Bill, was in reality a Hybrid Bill, and ought to be considered upstairs by a Hybrid Committee, nominated partly by the House and partly by the Committee of Selection.

Motion made, and Question, "That the Order for going into Committee upon the said Bill be discharged,"—(*Mr. Evelyn Ashley*),—put, and agreed to.

Motion made, and Question proposed, "That the Bill be referred to a Select Committee, consisting of Five Members, Three to be nominated by the House, and Two by the Committee of Selection."—(*Mr. Evelyn Ashley*).

MR. HEALY asked if it was intended to proceed further with the Bill in the present Session?

MR. EVELYN ASHLEY replied in the affirmative.

Question put, and agreed to.

Ordered, That all Petitions against the Bill be referred to the Committee.

Ordered, That Petitioners praying to be heard by Counsel or Agents be heard against the Bill, and that Counsel be heard in support of the Bill.

Ordered, That the Committee have power to send for persons, papers, and records:—Three to be the quorum.

STATUTE LAW REVISION AND CIVIL PROCEDURE BILL.—[*Lords.*]—[BILL 219.]

(*Mr. Attorney General.*)

COMMITTEE.

Order for Committee read.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he very much regretted to have to move that the Order be discharged. The hon. Member for Galway (Mr. T. P. O'Connor) had given

Notice of opposition, and it was, therefore, impossible to proceed with the Bill, and he would move the discharge of the Order for considering it in Committee.

Motion made, and Question proposed, "That the Order for going into Committee upon the said Bill be discharged."—(*Mr. Attorney General.*)

MR. T. P. O'CONNOR said, he would gladly take off his Notice of opposition to the Bill if the hon. and learned Gentleman the Attorney General would accept his (Mr. T. P. O'Connor's) grounds of objection to it.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he could not make any conditions, and must, therefore, press the discharge of the Order.

MR. ARTHUR O'CONNOR said, the course taken in this case showed the impropriety of putting up a Member of the Government to block the Bills of independent Members. If a Bill of the hon. Member for Galway (Mr. T. P. O'Connor) had not been blocked by the hon. Member for Bath (Sir Arthur Hayter), the hon. Member would not have blocked the present Bill.

MR. T. P. O'CONNOR felt that he had been very badly treated by the Government, and he had no doubt that the hon. and learned Attorney General would agree with him that he was justified, under the circumstances, in the course he had taken. He simply wished now to explain his reasons for taking that course.

MR. SPEAKER: I must remind the hon. Member (Mr. T. P. O'Connor) that at present there is no Question before the House other than the discharge of the Order.

MR. T. P. O'CONNOR said, he would take off the block against the Bill.

THE ATTORNEY GENERAL (Sir HENRY JAMES): Then I will withdraw my Motion for the discharge of the Order, and fix the Committee for to-morrow.

Motion, by leave, *withdrawn*.

Committee *deferred* till To-morrow.

POLLEN FISHING (IRELAND) BILL.

(*Mr. Solicitor General for Ireland.*)

[BILL 248.] SECOND READING.

Order for Second Reading read.

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) hoped

the House would allow the Bill to be read a second time. Pollen was a fresh-water herring, peculiar to Lough Neagh, and in season up to the 1st November. Between 300 and 400 persons lived mainly by this fishing, and as the salmon and trout season closed much earlier the Inspectors of Fisheries, up to last year, made separate orders for the close season for salmon and trout and for the close season for pollen; but it had now been found that under the existing law such separate orders could not lawfully be made, and that there could only be the same close season for salmon and trout and for pollen. The consequence of this was that although pollen were in season they could not be captured after the

close season for salmon had commenced. This was a serious hardship to an industrious class of fishermen, which it was the object of the present Bill to remedy, and to enable pollen to be captured during the salmon close time and when pollen was in season.

Motion made, and Question, "That the Bill be now read a second time,"—*(Mr. Solicitor General for Ireland,)*—put, and *agreed to*.

Bill read a second time, and *committed for To-morrow*.

House adjourned at a quarter before Three o'clock.

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l. Royal Assent Aug 11 [44 & 45 Vict. c. clxi]

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(*Mr. Playfair, Mr. Chancellor of the Exchequer, Lord Frederick Cavendish*)

c. Considered in Committee Aug 8
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Conveyancing and Law of Property Bill [H.L.] (*Mr. H. H. Fowler*)

c. Report of Select Committee * Aug 1 [No. 96]
Committee; Report Aug 5, 1106 [Bill 231]
Read 3^o * Aug 8
l. Commons Amendts. considered and, after short debate, agreed to Aug 12, 1641

Coolies (Indian) at La Réunion

Question, Mr. Errington; Answer, Sir Charles W. Dilke Aug 4, 847

CORBET, Mr. W. J., *Wicklow Co.*

Confiscated Estates (Ireland), 1928

Coroners (Ireland) Bill

(*Viscount Lifford*)

l. Read 3^o * July 28 (No. 134)
c. Lords Amendt. considered Aug 1, 451
Moved, "To disagree with the Lords in the said Amendt." (*Mr. Healy*); Motion agreed to
Committee appointed, "to draw up Reasons to be assigned to The Lords for disagreeing to the Amendt. made by The Lords to the Coroners Bill;" List of the Committee, 451
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l. Royal Assent Aug 11 [44 & 45 Vict. c. 35]

Corrupt Practices (Suspension of Elections) Bill

(*Mr. Attorney General, Secretary Sir William Harcourt, Mr. Solicitor General*)

c. Ordered; read 1^o * Aug 2 [Bill 238]
Read 2^o * Aug 4, 915
Committee; Report; read 3^o * Aug 5, 1101
l. Read 1^o * (*The Earl of Dalhousie*) Aug 8
Read 2^o * Aug 9, 1374 (No. 208)
Committee *; Report Aug 11
Read 3^o * Aug 13

Cottiers and Cottars (Dwellings) Bill

(*The Lord Waverley*)

1. Moved, "That the Bill be now read 2^a"
July 28, 2

Amendt. to leave out ("now") and add ("this day three months") (*The Duke of Argyll*); after short debate, Amendt. and original motion and Bill withdrawn (No. 174)

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Case of *Edmund Galley*, Observations, Sir Eardley Wilmot; Reply, Sir William Harcourt; short debate thereon Aug 5, 1905; — *Compensation*, Question, Sir Eardley Wilmot; Answer, Sir William Harcourt Aug 15, 1924

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1. Read 2^a * July 28 (No. 168)

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Drainage (Ireland) Provisional Order Bill
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c. Report * Aug 5 [Bill 220]

Read 3* Aug 6

l. Read 1* (*Lord Thurlow*) Aug 8 (No. 209)

Moved, "That the Order of the 1st day of April last, which limits the time for the Second Reading of any Bill brought from the House of Commons confirming any Provisional Order be dispensed with with respect to the said Bill" Aug 15, 1878; after short debate, on question? Cont. 29, Not-Cont. 31; M. 2; resolved in the negative

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East Indian Railway (Redemption of Annuities) Bill (*The Marquess of Hartington, Lord Frederick Cavendish*)

c. Considered in Committee Aug 5, 1107

Resolution reported, and agreed to; Bill

ordered; read 1* Aug 8 [Bill 244]

Read 2* Aug 11

Committee*; Report Aug 13

Read 3* Aug 15

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[*E.L.*—*Afterwards*]

Discharge of Contumacious Prisoners Bill (*The Earl Beauchamp*)

l. Presented; read 1* Aug 4 (No. 201)

Read 2*, after debate Aug 9, 1346

Committee, after short debate Aug 11, 1501

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c. Read 1* Aug 12 [Bill 250]

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l. Royal Assent Aug 11 [44 & 45 Vict. c. clxvii]

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Prescribing the City of Waterford, Question, Mr. R. Power; Answer, Mr. W. E. Forster July 28, 18

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Patrick Slattery, a Prisoner under the Act, Question, Mr. O'Donnell; Answer, Mr. W. E. Forster July 28, 22

Michael Donovan, a Prisoner under the Act, Question, Mr. Daly; Answer, Mr. W. E. Forster July 28, 23

Thomas Connelly, a Prisoner under the Act, Question, Mr. T. P. O'Connor; Answer, Mr. W. E. Forster July 28, 36

Messrs. Crotty and Marsh, Prisoners under the Act, Question, Mr. O'Shea; Answer, Mr. W. E. Forster July 29, 116

Messrs. Flood, Prisoners under the Act, Questions, Mr. Healy; Answers, Mr. W. E. Forster July 29, 123

Messrs. McDonough and Finn, Prisoners under the Act, Question, Mr. D. O'Connor; Answer, Mr. W. E. Forster Aug 4, 825

George Patterson, a Prisoner under the Act, Question, Mr. Healy; Answer, Mr. Childers Aug 4, 837

Messrs. Murphy and Campion, Prisoners under the Act, Questions, Mr. Arthur O'Connor, Mr. T. P. O'Connor, Mr. Healy; Answers, Mr. W. E. Forster Aug 8, 1193

Prisoners Arrested under the Act, Observations, Mr. Arthur O'Connor; Reply, Mr. W. E. Forster; short debate thereon Aug 3, 732

Statutory Investigation as to Cause of Imprisonment of Prisoners under the Act—Personal Appearance before the Lord Lieutenant, Question, Mr. Sexton; Answer, Mr. W. E. Forster Aug 1, 367

Ireland, State of—The Magistracy—Mr. Clifford Lloyd, R.M.

Amend. on Committee of Supply Aug 6, To leave out from "That," and add "this House condemns the refusal of the Government to grant an investigation into the conduct of Mr. Clifford Lloyd, R.M., and their refusal to notice the threats alleged to have been used by him in dispersing without proclamation a peaceful meeting at Drogheda on the 1st day of January" (Mr. Healy) v., 1111; Question proposed, "That the words, &c.;" after debate, Question put; A. 75, N. 18; M. 57 (D. L. 359)

Irish Church Act Amendment Bill

(Mr. William Edward Forster, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland)

c. Ordered; read 1st Aug 1 [Bill 235]
Read 2nd, after short debate Aug 4, 912

Irish Fisheries

Amend. on Committee of Supply July 29, To leave out from "That," and add "it is the opinion of this House that it is the duty of

Irish Fisheries—cont.

the Government to take measures to render the Irish Fisheries more available as a means of affording increased food and employment" (*Mr. Blake*) *v.*, 194; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

JACKSON, Mr. W. L., Leeds

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JAMES, Mr. C. H., Merthyr Tydfil
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JOHNSON, Mr. W. M. (Solicitor General for Ireland), Malloy

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KINGSBOTE, Colonel R. N. F., Gloucestershire, W.

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LAING, Mr. S., Orkney, &c.

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Land Law (Ireland), Consid. *cl.* 51, 58; Lords Amendts. Consid. 1424, 1581, 1577; Lords Reasons and Amendts. Consid. 1959

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Clause 25—Purchases, Question, Sir William Palliser; Answer, The Attorney General for Ireland Aug 15, 1927
Lord Randolph Churchill's Motion, Question, Mr. Arthur Arnold; Answer, Lord Randolph Churchill July 28, 31
Release of Prisoners under the Protection of Person and Property (Ireland) Act, 1881, Question, Mr. J. Cowen; Answer, Mr. Gladstone Aug 4, 842

Land Law (Ireland) Bill—cont.

The 42nd Section and Section 24 of the Landlord and Tenant (Ireland) Act, 1870, Question, Mr. Healy; Answer, The Attorney General for Ireland July 28, 30

The Lords' Amendments, Question, Mr. Macdonald; Answer, Mr. Speaker Aug 15, 1931

Land Law (Ireland) Bill

(*Mr. Gladstone, Mr. William Edward Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland*)

c. Further Proceeding on Consideration resumed July 28, 38 [Bill 226]

Moved, "That the Bill be now read 3^o" July 29, 193

Amendts. to leave out from "Bill be," and add "re-committed, with respect to Clause 35" (*Mr. William Henry Smith*) v.; Question proposed, "That the words, &c.;" after short debate, Question put, and agreed to Main Question proposed, "That the Bill be now read 3^o," 198; after long debate, Debate adjourned till this day

Debate resumed, 177; after debate, Question put; A. 220, N. 14; M. 206

Div. List, A. and N., 192

i. Read 1^o * (*Lord Privy Seal*) July 29 (No. 187)

Moved, "That the Bill be now read 2^a" Aug 1, 236; after long debate, Moved, "That the Debate be now adjourned" (*The Duke of Argyll*); Motion agreed to; Debate adjourned

Debate resumed Aug 2, 452; after long debate, Motion agreed to; Bill read 2^a

Moved, "That the House do now resolve itself into Committee" Aug 4, 765

Amendt. to leave out ("now,") and add ("on this day six months") (*The Lord Denman*); on question, that ("now,") &c.; resolved in the affirmative; House in Committee

Committee Aug 5, 923

Report Aug 8, 1170 (No. 204)

After debate, Bill to be printed, as amended.

(No. 207)

Order of the Day for suspending Standing Order No. XXXV. read; Moved, "That the said Standing Order be suspended;" on question? resolved in the affirmative; Standing Order suspended accordingly

Moved, "That the Bill be now read 3^a;" after debate, on question, resolved in the affirmative; Bill read 3^a accordingly, with the Amendments, and passed, and sent to the Commons

c. Order for Consideration of Lords Amendments. read; Moved, "That the Amendments. made by The Lords to the Land Law (Ireland) Bill be now considered;" Question put, and agreed to; Lords Amendments. considered Aug 9, 1388; after long debate, further Consideration of Lords Amendments. deferred

Lords Amendments. further considered Aug 10, 1466; after long debate, further Consideration of Lords Amendments. adjourned

Question, Sir Stafford Northcote; Answer, Mr. Gladstone, 1499

i. Returned from the Commons with several of the Amendments. agreed to, several agreed to with Amendments., and with consequential

[cont.]

Land Law (Ireland) Bill—cont.

Amendts. to the Bill, and several disagreed to, with reasons for such disagreement. The said Amendments. and Reasons to be printed, and to be considered To-morrow Aug 11 (No. 211)

c. Lords Amendments. further considered Aug 11, 1642

Moved, "That a Committee be appointed 'to draw up Reasons to be assigned to The Lords for disagreeing to the Amendments made by The Lords to the Bill; Motion agreed to; Committee appointed; List of the Committee, 1634; To withdraw immediately

Reasons for disagreeing to certain of the Amendments. made by The Lords to the Land Law (Ireland) Bill Aug 11, 1635; Reasons for disagreeing to The Lords Amendments. reported, and agreed to; To be communicated to The Lords

i. Commons Amendments. to Lords Amendments., and Commons consequential Amendments., and Reasons for disagreeing to certain of the Lords Amendments. considered Aug 12, 1642

Moved, "That a Committee be appointed to prepare Reasons to be offered to the Commons for the Lords disagreeing to certain of their Amendments., and insisting on certain of the Lords Amendments." (*The Marquess of Salisbury*), 1704; after short debate, on question? resolved in the affirmative; the Committee to meet forthwith

Report from the Committee of the Reasons to be offered to the Commons for the Lords disagreeing to certain of their Amendments., and insisting upon certain of the Lords Amendments. to which the Commons have disagreed; read, and agreed to; and a message sent to the Commons to return the said Bill with Amendments. and Reasons Aug 12

Reasons of the Lords for disagreeing to certain of the Commons' Amendments. and for insisting upon certain of the Amendments. to which the Commons have disagreed Aug 12, 1707

Returned from the Commons with an Amendt. made by the Lords to which the Commons had disagreed and on which the Lords have insisted, agreed to; and with several of the further Amendments. made by the Lords, agreed to; several agreed to, with Amendments., and with consequential Amendments. to the Bill; and several disagreed to, with Reasons for such disagreement; the said Amendments. and Reasons to be printed, and to be considered To-morrow Aug 15 (No. 214)

c. Order for Consideration of Lords Reasons and Amendments. read; Moved, "That the Lords Reasons and Amendments. be now considered" Aug 15, 1932; after debate, Question put, and agreed to

Moved, "That a Committee be appointed 'to draw up Reasons to be assigned to The Lords for disagreeing to the Amendments. made by The Lords to the Bill, to which this House hath disagreed;" after short debate, Question put, and agreed to; List of the Committee, 1998; Committee to withdraw immediately

Commons Amendments. to the Amendments. made by the Lords to the Amendments. made by the Commons to the Lords Amendments., and Commons Reasons for disagreeing to certain of the said Lords Amendments. Aug 15, 2009

Land Law (Ireland) Bill—cont.

Reasons for disagreement to the Amendments made by The Lords to the Commons Amendments to The Lords Amendments reported, and agreed to; to be communicated to the Lords

LANDSDOWNE, MARQUESS OF

Land Law (Ireland), 2R. 277; Comm. cl. 1, 776; Amendt. 787; cl. 4, Amendt. 790, 798, 799; cl. 7, Amendt. 812, 818; cl. 9, Amendt. 942; cl. 14, 950; cl. 18, 955; cl. 19, Amendt. 958, 972; cl. 23, 979; Report, cl. 8, 1173; cl. 21, 1176; Commons Amendments to Lords Amendments. Consid. 1860, 1864, 1882, 1889; Amendt. 1897

LAW, RIGHT HON. H. (ATTORNEY GENERAL FOR IRELAND), LONDONDERRY CO.

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Land Law—Clause 25—Purchases, 1927;—42nd Section and Section 24 of the Landlord and Tenant Act, 1870, 31

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Land Law (Ireland), Consid. cl. 44, Amendt. 39, 43; cl. 45, Amendt. 47; cl. 47, Amendt. 48; cl. 49, Amendt. 50, 52, 53, 54; cl. 50, Amendt. 55, 57; cl. 51, 58; cl. 52, Amendt. 59, 60; cl. 53, 62; Lords Amendments. Consid. Amendt. 1388, 1389, 1392, 1395, 1401, 1407, 1408, 1411, 1420, 1428, 1430, 1431, 1434, 1435, 1436, 1438, 1450, 1466, 1473, 1474, 1475, 1477, 1484, 1485, 1486, 1494, 1495, 1496, 1498, 1547, 1554, 1555, 1562, 1566, 1586, 1589, 1590, 1591, 1596, 1597, 1608, 1620; Lords Reasons and Amendments. Consid. 1940, 1945, 1946, 1947, 1948, 1956; 1966, 1968, 1969, 1972, 1980, 1986

Law and Justice

MISCELLANEOUS QUESTIONS

Middlesex Registry, Question, Mr. Arthur O'Connor; Answer, The Attorney General Aug 11, 1884

Sentences in Criminal Cases, Question, Mr. M'Coan; Answer, Sir William Harcourt Aug 12, 1920

Summary Jurisdiction Act, 1879—Fines and Costs, Question, Mr. Hopwood; Answer, Sir William Harcourt; Observation, Sir R. Assheton Cross July 29, 118

The Magistracy

Mr. R. P. Laurie, Question, Mr. Pemberton; Answer, The Attorney General Aug 8, 1197

The Evidence Further Amendment Act, 1869—Refusal of Magistrates at Birmingham to Allow a Witness to Affirm, Questions, Mr. Labouchere; Answers, Sir William Harcourt Aug 12, 1714

[See title *Criminal Law*]

Law and Justice—High Court of Justice—Suitors' Fund in Chancery

Amendt. on Committee of Supply July 28, To leave out from "That," and add "the future

[cont.

Law and Justice—High Court of Justice—Suitors' Fund in Chancery—cont.

lists of unclaimed money be issued with cross references triennially; stating the amount of fund of the suitors' fund in Chancery; with the names and last known addresses of persons supposed to be entitled thereto; together with the date of the last decree" (Mr. Stanley Leighton) v., 71; Question proposed, "That the words, &c.;" after short debate, Question put, and agreed to

Law and Justice—Outrage upon the Person

Amendt. on Committee of Supply Aug 5, To leave out from "That," and add "the administration of the Law in cases of outrage upon the person has long been a reproach to our Criminal Courts; that outrages and assaults of the most brutal character, especially upon married women, even when they cause a cruel death, are commonly punished less severely than small offences against property; that the admission of the crime of drunkenness as an extenuation of other crimes is immoral, and acts as an incentive to persons about to commit outrages to willfully deprive themselves of the guidance of reason" (Mr. Macfarlane) v., 1000; Question proposed, "That the words, &c.;" after short debate, Question put, and agreed to

Law and Police

MISCELLANEOUS QUESTIONS

Cruelty to Animals Prevention Act—Cruelty to a Donkey, Question, Mr. Macfarlane; Answer, Sir William Harcourt Aug 15, 1925

Deaths from Drowning, Question, Mr. Gourley; Answer, Mr. Dodson Aug 8, 1206

Flower Sellers in Islington, Question, Mr. Carington; Answer, Sir William Harcourt Aug 1, 356

Practice of Carrying Firearms, Question, Sir Henry Tyler; Answer, Sir William Harcourt July 29, 117

Seizure of Explosive Machines at Liverpool, Question, Lord John Manners; Answer, Sir William Harcourt Aug 5, 997

Speech of Mrs. Besant at the Hall of Science, Question, Mr. Ritchie; Answer, Mr. Gladstone Aug 9, 1385

LAWRENCE, SIR J. J. T., Surrey, Mid.

Land Law (Ireland), Lords Amendments. Consid. 1583

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LAWSON, SIR W., Carlisle

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Licensing Acts—Transfer of a Licence, 1924

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Parliament—Privilege—Mr. Bradlaugh, Res. 701, 702, 704, 719
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LEA, Mr. T., *Donegal*

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LEAKE, Mr. R., *Lancashire, S.E.*

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LEAMY, Mr. E., *Waterford*

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Leases for Schools (Ireland) Bill [H.L.]
(*The Lord O'Hagan*)

l. Presented; read 1st July 29 (No. 188)
Read 2^d, after short debate Aug 9, 1372
Committee*; Report Aug 11
Read 3^d Aug 12
c. Read 1st Aug 15 [Bill 252]

LECONFIELD, Lord

Land Law (Ireland), *Comm. cl. 4, 791, 792; cl. 7, 817; Commons Amendts. to Lords Amendts. Consid. 1649*

LEE, Mr. H., *Southampton*

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LEINSTER, Duke of

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LEWIS, Mr. C. E., *Londonderry*

Land Law (Ireland), *Consid. cl. 44, 40; cl. 53, 62*
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Land Law (Ireland), *Comm. cl. 16, Amendt. 953, 954; Report, cl. 5, Amendt. 1171*

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Lunacy Law Amendment (re-committed) Bill

(*Mr. Dillwyn, Sir George*

Balfour, Mr. Benjamin T. Williams)

c. Bill withdrawn July 28, 192 [Bill 192]

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Bill**

(Mr. Hinde Palmer, Sir Gabriel Goldney, Mr.
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c. Bill withdrawn * Aug 15 [Bill 106]

MARTIN, Mr. P., Kilkenny Co.

Land Law (Ireland), Consid. cl. 44, 40; Lords
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MARUM, Mr. E. P. M., Kilkenny Co.

Ireland, State of—Maiming of Cattle in Co.
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Land Law (Ireland), Consid. cl. 44, 39; cl. 49,
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munication, Question, Mr. Akers-Douglas;
Answer, Mr. Chamberlain Aug 2, 555

The "City of Mecca," Question, Mr. Ander-
son; Answer, Sir Charles W. Dilke Aug 11,
1524

Merchant Seamen's Pensions

Amendt. on Committee of Supply Aug 1, To
leave out from "That," and add "in the
opinion of this House, the grant to the
Greenwich Hospital Fund should include
widows whose husbands contributed to the

(cont.)

Merchant Seamen's Pensions—cont.

fund, and merchant seamen now in receipt
of the Mercantile Marine Fund Pensions"
(Mr. Gourley) v., 397; Question proposed,
"That the words, &c.;" after short debate,
Question put, and agreed to

Merchant Shipping (Experiments on Steel)

Question, Mr. Dillwyn; Answer, Mr. Cham-
berlain Aug 4, 840

Merchant Shipping Acts—Emigrant Ships

Question, Mr. J. G. Talbot; Answer, Mr.
Chamberlain Aug 9, 1381

Metallic Mines (Gunpowder) Bill

(The Earl of Dalhousie)

l. Committee *; Report July 28 (No. 169)

Read 3* July 29

Royal Assent Aug 1 [44 & 45 Vict. c. 26]

Metropolis

MISCELLANEOUS QUESTIONS

Fires, Question, Mr. Firth; Answer, Sir Wil-
liam Harcourt Aug 8, 1198

Public Health—Small Pox, Question, Mr.
Henry Allen; Answer, Mr. Dodson Aug 9,
1384;—Hospital Ships on the River Thames,
Questions, Baron Henry De Worms; An-
swers, Mr. Dodson Aug 8, 1202

The Parks—Cost of Watering Hyde, St.
James's, and the Green Parks, Question,
Mr. Lowther; Answer, Mr. Shaw Lefevre
July 28, 15;—Proposed Park for Padding-
ton, Question, Sir Thomas Chambers; An-
swer, Mr. Evelyn Ashley Aug 8, 1196

Water Supply, Question, Observations, The
Bishop of London; Reply, The Earl of Dal-
housie; short debate thereon July 29, 109;
—The Grand Junction Water Company,
Question, Sir Henry Holland; Answer, Mr.
Dodson Aug 8, 1201

**Metropolitan Board of Works (Money)
Bill**

(The Lord Thurlow)

l. Read 1* July 28 (No. 186)

Moved, "That the Bill be now read 2*"
Aug 9, 1365; Motion agreed to; Bill read 2*

Moved, "That the Bill be referred to a Select
Committee" (The Earl De La Warr);
after short debate, on question, resolved in
the negative

Committee; Report, after short debate Aug 11,
1508

Read 3* Aug 12

**Metropolitan Open Spaces Act (1877)
Amendment Bill**

(The Lord Mount Temple)

l. Read 2* July 28, 9 (No. 164)

Committee * July 29

Report * Aug 1

Read 3* Aug 2

Royal Assent Aug 11 [44 & 45 Vict. c. 34]

Metropolitan Vestry Accounts—The Paddington Vestry
Question, Mr. Firth; Answer, Mr. Dodson
Aug 8, 1199

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MILBANK, Mr. F. A., York, N.R.
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MONCK, Viscount
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936; cl. 9, Amendt. 941; cl. 23, 979; cl. 31,
982; Report, cl. 31, 1177

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441, 442, 443; cl. 23, 444, 445; cl. 35, 446

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1706

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Metropolitan Board of Works (Money), Comm.
cl. 14, 1510
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ment, 2R. 9

MUNDELLA, Right Hon. A. J. (Vice President of the Committee of Council on Education), Sheffield

Art and Industrial Museums, Res. 1257, 1265
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ities, 1913

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851

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1919

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1210

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1534

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ton, &c.—Case of Mr. Goffin, Head Master,
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National Debt Bill (Mr. Chancellor of the
Exchequer, Lord Frederick Cavendish)

c. Resolutions in Committee Aug 1, 450

Resolutions reported Aug 2, 692; after short
debate, Resolutions agreed to; Bill ordered;
read 1^o * [Bill 236]

Read 2^o * Aug 5

Committee; Report, after short debate Aug 8,
1343

Committee * (on re-comm.); Report Aug 11
[Bill 243]

Question, Mr. J. G. Hubbard; Answer, Mr.
Gladstone Aug 12, 1725

Read 3^o, after short debate Aug 12, 1817

l. Read 1^o * (Lord Thurlow) Aug 15 (No. 213)

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MISCELLANEOUS QUESTIONS

H.M.S. "Atalanta," Observations, Mr. Jen-
kins; debate thereon Aug 13, 1835

H.M.S. "Inflexible," Question, Captain Ayl-
mer; Answer, Mr. Trevelyan Aug 4, 844

*The Admiralty—The First Lord of the Admi-
ralty,* Question, Sir H. Drummond Wolff;
Answer, Mr. Gladstone Aug 12, 1718

The Disasters to the Shetland Fishermen,
Questions, Mr. Gourley, Mr. Laing; An-
swers, Mr. Trevelyan July 29, 122

Torpedo Boats, Question, Captain Aylmer;
Answer, Mr. Trevelyan Aug 4, 843

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Officers on Leave, Question, Colonel Kennard; Answer, Mr. Trevelyan Aug 12, 1719
Promotion—Lieutenants, Observations, Sir John Hay Aug 6, 1110
The Position of Navigating and Warrant Officers, Question, Sir H. Drummond Wolff; Answer, Mr. Trevelyan Aug 15, 1931
The Coastguard Service, Question, Sir John Hay; Answer, Mr. Trevelyan July 28, 26
The Royal Marines, Question, Sir Henry Fletcher; Answer, Mr. Trevelyan Aug 4, 849

Navy (Cadets)

Amendt. on Committee of Supply Aug 3, To leave out from "That," and add "in the opinion of this House, Naval Cadets should be appointed at a more advanced age, and that if they are chosen by competitive examination such competition should be open and not limited for the purposes of patronage" (*Mr. Gorst*) v., 720; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

Navy (Sobriety)

Amendt. on Committee of Supply Aug 13, To leave out from "That," and add "in the opinion of this House, it will promote good conduct and sobriety among the men and boys of the Royal Navy if the spirit ration were henceforth discontinued, and some equivalent given, equal to the value of the spirit ration, in the form of improved dietary or increased wages" (*Mr. Caine*) v., 1821; Question proposed, "That the words, &c.;" after debate, Question put, and agreed to

Navy and Army Expenditure, 1879-80

Considered in Committee—Balances unexpended in respect of Votes for Navy and Army Services Aug 15, 2012; after short debate, Resolutions agreed to

NELSON, Earl

Patriotic Fund, 2R. 11

NEWDEGATE, Mr. C. N., *Warwickshire, N.*

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Army Estimates—Volunteer Corps Pay and Allowance, 898

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Royal University of Ireland, 2R. 1999, 2004

NORTH, Colonel J. S., *Oxfordshire*

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Ireland—Post Office, 1911

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O'CONNOR, Mr. T. P., *Galway*

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Palace of Westminster—Public Improvements near St. Margaret's Church, Question, Observations, Lord Lamington; Reply, The Earl of Kimberley July 29, 107

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Standing Orders Nos. 22, 33, 91, 114, 115, 116, 117, and 140^a considered and amended, and to be printed as amended Aug 11 (No. 187)

Business of the House

Ordered, That for the remainder of the Session the Bills which are entered for consideration on the Minutes of the day shall have the same precedence which Bills have on Tuesdays and Thursdays (*The Earl of Redesdale*) Aug 12

COMMONS—

Order

Motions of Adjournments at Question Time, Question, Mr. Anderson; Answer, Mr. Gladstone Aug 4, 851

Suspension of Mr. O'Kelly, Observations, Mr. Parnell; Reply, Mr. Gladstone; short debate thereon Aug 4, 862

Order—Suspension of a Member

Mr. SPEAKER having Named Mr. Parnell as having been repeatedly cautioned by him for making use of un-Parliamentary and improper language, Moved, "That Mr. Parnell be suspended from the service of the House during the remainder of this day's Sitting" (*Mr. Gladstone*) Aug 1, 890; Question put; A. 131, N. 14; M. 17 (D. L. 346)

Rules and Orders

Petitions—The Bradlaugh Petitions, Questions, Observations, Sir Wilfrid Lawson, Mr. Thorold Rogers; Answers, Sir Charles Forster Aug 6, 1107

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Mr. Bradlaugh—New Writ for Northampton, Questions, Sir Wilfrid Lawson; Answers, Mr. Speaker Aug 4, 852

Alleged Disorderly Conduct of a Member of the House within its Precincts, Observations, Mr. Labouchere, Mr. R. N. Fowler Aug 5, 995

Business of the House and Public Business

Order of Supply, Questions, Mr. Arthur O'Connor, Sir John Hay, Mr. Callan; Answers, Mr. Gladstone July 28, 34;—Educational Endowments (Scotland) Bill, Question, Mr. Arthur O'Connor; Answer, Mr. Gladstone Aug 1, 370;—A Saturday Sitting, Observation, Mr. Gladstone Aug 4, 843;—Order of Supply, Observations, Mr. Gladstone; short debate thereon Aug 5, 998; Questions, Mr. W. H. Smith, Mr. Arthur O'Connor, Mr. Healy; Answers, Lord Frederick Cavendish, Mr. Gladstone Aug 8, 1209;—The Navy Estimates, Question, Sir John Hay; Answer, Mr. Gladstone Aug 11, 1541;—Arrangement of Public Business, Statement, Mr. Gladstone; short debate thereon Aug 12, 1735;—Irish Church Act Amendment Bill, Question, Mr. Callan; An-

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swer, Mr. W. E. Forster Aug 12, 1728;—Land Law (Ireland) Bill, Observations, Mr. Gladstone, Sir Walter B. Barttelot, Sir Stafford Northcote Aug 12, 1816

Foreign Legislative Assemblies (Oaths and Procedure), Question, Mr. Labouchere; Answer, Sir Charles W. Dilke Aug 12, 1714
Mr. Bradlaugh—Threatened Meeting in Trafalgar Square, Question, Mr. Warton; Answer, Sir William Harcourt July 29, 119

Parliamentary Oath (Mr. Bradlaugh), Questions, Mr. Labouchere, Mr. Gibson, Mr. Macfarlane, Mr. T. P. O'Connor; Answers, Mr. Gladstone, Mr. Speaker, Mr. Labouchere Aug 8, 1907;—Legislation, Question, Mr. Thomasson; Answer, Mr. Gladstone Aug 11, 1539

The House of Commons—Conduct of Public Business—New Rules, Question, Mr. Rathbone; Answer, Mr. Gladstone Aug 5, 994

Corrupt Practices at Elections—The Boston Election—The Crown Prosecutions, Question, Mr. O'Kelly; Answer, Sir William Harcourt July 28, 30

Reported Magistrates, Questions, Mr. Anderson, Mr. T. Collins, Mr. Healy, Mr. J. Cowen; Answers, The Attorney General Aug 1, 360

Suspension of Corrupt Boroughs, Question, Mr. T. Collins; Answer, The Attorney General Aug 2, 560

Parliament—Election Petitions and Corrupt Practices at Elections Act—Knaresborough Commission

Amendt. on Committee of Supply Aug 2, To leave out from "That," and add "in the opinion of this House, having regard to statements of the Royal Commissioners, it is not in accordance with justice nor with the policy of the Act of 31 and 32 Vic. c. 125, that the cost of this inquiry should be borne by the ratepayers of the borough of Knaresborough" (*Mr. Thomas Collins*) v., 560; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

Parliament—Privilege—Mr. Bradlaugh

Moved, "That, in the opinion of this House, the Resolution of the House passed 10th May last, 'That the Serjeant at Arms do remove Mr. Bradlaugh from the House, until he shall engage not further to disturb the proceedings of the House,' meant that Mr. Bradlaugh should not come within the outer door of this Chamber, and did not give any power to the Serjeant at Arms to hinder him from entering and remaining in all or any other portions of this edifice, and that therefore the Serjeant at Arms and the Officers of the House acting under him, in excluding Mr. Bradlaugh from such other portions of the edifice, acted without the authority of this House, and in so doing interfered with the privileges inherent in Membership of this House, and from which no Member can

Parliament—Privilege—Mr. Bradlaugh—cont.

be deprived without a Resolution of this House to that effect" (*Mr. Labouchere*) Aug 3, 695

After debate, Amendt. to leave out from "That," and add "this House approves the action of Mr. Speaker and of the Officers of this House acting under his orders" (*Sir Henry Holland*); Question proposed, "That the words, &c.;" after further short debate, Question put; A. 7, N. 191; M. 184 (D. L. 351)

Question proposed, "That the words 'this House approves the action of Mr. Speaker and of the Officers of this House acting under his orders' be there added;" after short debate, Question put, and agreed to Main Question, as amended, put, and agreed to

Parliament—Public Business

Question, Mr. Ashmead Bartlett; Answer, Mr. Gladstone Aug 1, 373

Moved, "That for the remainder of the Session Orders of the Day have precedence of Notices of Motions on Tuesday, Government Orders having priority, and that Government Orders have priority on Wednesday" (*Mr. Gladstone*); after short debate, Moved, "That the Debate be now adjourned" (*Mr. Arthur O'Connor*); Question put, and negatived Original Question put; A. 111, N. 12; M. 99 (D. L. 347)

Parliament—Public Business (Half-past Twelve Rule)

Order for resuming Adjourned Debate thereupon [3rd May] read Aug 11, 1519; Moved, "That the Order be discharged" (*Mr. Monk*); Motion agreed to; Order discharged

PARLIAMENT—HOUSE OF LORDS

Sat First

Aug 1—The Lord Fingall, after the death of his father

Aug 15—The Earl of Harrington, after the death of his father

Parliamentary Revision (Dublin County)

Bill (*Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland*)

c. Bill withdrawn * Aug 8 [Bill 208]

PARNELL, Mr. C. S., Cork

Army Estimates—Volunteer Corps Pay and Allowances, 900

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PARNELL, Mr. C. S.—cont.

Parliament — Order — Suspension of Mr. O'Kelly, 862, 866, 868

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Supply—Lord Advocate's Department, &c. in Scotland, 1094

Passenger Acts—Emigrant Ships

Observations, Mr. O'Donnell, Mr. A. Moore; Reply, Mr. Chamberlain Aug 13, 1865

[House counted out]

Patent Museum, The—Gifts of Models of Inventions

Question, Mr. Hinde Palmer; Answer, Mr. Chamberlain Aug 11, 1881

PATRICK, Mr. R. W. COOHRAN-, Ayrshire, N.

Supply—Local Government Board, &c. Amendt. 569, 571, 574

Patriotic Fund Bill [H.L.]

(*The Earl of Northbrook*)

l. Read 2^o, after short debate July 28, 10 Committee *; Report July 29 (No. 183) Read 3^o * Aug 1

c. Read 1^o * (*Mr. Childers*) Aug 5 [Bill 240] Read 2^o, after short debate Aug 8, 1343 Committee *; Report Aug 10 Considered *; read 3^o Aug 11

l. Commons Amendts. considered, and agreed to; Question, Viscount Sidmouth; Answer, The Earl of Northbrook Aug 15, 1881

PEASE, Mr. A., Whitby

China—The Opium Trade, 1711

PEDDIE, Mr. J. DICK-, Kilmarnock, &c.

Chelsea Hospital—Burials, 1913

Supply—Fishery Board in Scotland, &c. 747

Prisons, Scotland, 1100

Queen's and Lord Treasurer's Remembrancer in Exchequer, Scotland, &c. 738 Register House Department, Edinburgh, 1099

Pedlars (Certificates) Bill [H.L.]

(*The Earl of Dalhousie*)

l. Committee *; Report July 28 (No. 163) Read 3^o * July 29

c. Read 1^o * (*Mr. Courtney*) Aug 1 [Bill 234] Read 2^o, after short debate Aug 4, 917

Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" Aug 12, 1818; after short debate, Question put; A. 80, N. 8; M. 72 (D. L. 385); Committee; Report; read 3^o

PEMBERTON, Mr. E. L., Kent, E.

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PEMBROKE, Earl of

Land Law (Ireland), Comm. cl. 4, Amendt. 798; cl. 7, Amendt. 811, 923; cl. 12, 946; Report, cl. 8, Amendt. 1172; cl. 21, Amendt. 1174; Commons Amendts. to Lords Amendts. Consid. 1672; Amendt. 1686

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Land Law (Ireland), Comm. cl. 12, 946

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Army Estimates—Militia and Militia Reserve, 881, 895

Peru—Robbery of Jewellery, &c. from the British Vice Consulate at Lima

Question, Mr. Alexander M'Arthur; Answer, Sir Charles W. Dilke Aug 15, 1917

Petroleum (Hawking) Bill [H.L.]

(Mr. Courtney)

c. Committee July 29, 226 [House counted out]
Committee: Report Aug 2, 681 [Bill 222]
Consideration, as amended, deferred, after short debate Aug 12, 1820

PLAYFAIR, Right Hon. Mr. Lyon
(Chairman of Committees of Ways and Means and Deputy Speaker),
Edinburgh and St. Andrew's Universities

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Supply—Commissioners in Lunacy in England, 609

Consular Establishments Abroad, &c. 1147, 1148, 1151, 1158

Education, England and Wales, 1319

Fishery Board in Scotland, &c. 746

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Science and Art Department, &c. 1335

Secret Services, 667, 670

Universities (Scotland) Registration of Parliamentary Voters, &c. 2R. 919, 920

PLUNKET, Right Hon. D. R., Dublin University

Land Law (Ireland), Consid. cl. 49, 52; cl. 53, 65; Lords Amendts. Consid. 1432, 1483

Police Superannuation (Great Britain)

Observations, Colonel Alexander Aug 4, 821

Pollen Fishing (Ireland) Bill

(Mr. Solicitor General for Ireland, Mr. Attorney General for Ireland, Mr. William Edward Forster)

c. Ordered; read 1^o Aug 12 [Bill 248]
Read 2^o Aug 15, 2016

Poor Relief and Audit of Accounts (Scotland) (re-committed) Bill (The Lord Advocate, Mr. Solicitor General for Scotland)

c. Report of Select Comm.* Aug 3 [No. 373]
Bill withdrawn * Aug 4 [Bill 239]

Poor Removal (Ireland) Bill

(Sir Horsey Bruce, Mr. Corry, Mr. Lewis)

c. Bill withdrawn * July 28 [Bill 89]

PORTARLINGTON, Earl of

Land Law (Ireland), 3R. 1188

Portugal (India)—The Goa Treaty

Question, Mr. Cartwright; Answer, The Marquess of Hartington Aug 9, 1386

POST OFFICE

MISCELLANEOUS QUESTIONS

Metropolitan Letter Carriers, Question, Mr. Schreiber; Answer, Mr. Fawcett Aug 4, 822

Post Office Pillar Boxes, Question, Mr. Arthur O'Connor; Answer, Mr. Fawcett Aug 1, 366

Postmasters—Distribution of War Office Circular, Question, Mr. Burt; Answer, Lord Frederick Cavendish July 28, 28

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Greenwich Time, Question, Mr. Mitchell Henry; Answer, Mr. Fawcett Aug 11, 1530

Telegraph Clerks, Question, Mr. Justin M'Carthy; Answer, Mr. Fawcett Aug 8, 1200

Telegraph to Shelland, Question, Mr. Laing; Answer, Lord Frederick Cavendish Aug 4, 838

Weather Forecasts, Question, Mr. Earp; Answer, Mr. Fawcett Aug 9, 1379; Question, Major Nolan; Answer, Mr. Fawcett Aug 11, 1530

Telephone Posts and Wires, Question, Mr. W. H. Smith; Answer, The Attorney General Aug 12, 1712

POWER, Mr. J. O'Connor, Mayo

Ireland—Poor Law Relief—Swinford Union, 20

Land Law (Ireland), 3R. 178, 185, 187, 188

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POWER, Mr. R., Waterford

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Supply—Secret Services, 668, 670, 672

POWERSCOURT, Viscount

Land Law (Ireland), 2R. 487; Comm. cl. 7, 928, 935; cl. 19, 975; Commons Amendts. to Lords Amendts. Consid. 1664, 1682

Presumption of Life (Scotland) Bill

(*The Lord Watson*)

1. Committee *; Report Aug 2 (No. 142)
Committee *; Report Aug 4 (No. 197)
Read 3* Aug 5

"Princess Alice" Catastrophe—Burial Expenses of Sufferers

Question, Baron Henry De Worms; Answer, Sir William Harcourt Aug 11, 1892

Public Health — The Local Government Board

Observations, Dr. Cameron; Reply, Mr. Dodson; Observations, Mr. Warton Aug 1, 404

Public Loans (Ireland) Remission Bill

(*The Lord Thurlow*)

1. Read 2* July 29 (No. 176)
Committee *; Report Aug 1
Read 3* Aug 2
Royal Assent Aug 11 [44 & 45 Vict. c. 32]

Public Works Loans Bill

(*Mr. Chancellor of the Exchequer, Mr. Dodson, Lord Frederick Cavendish*)

- c. Considered * July 28 [Bill 211]
Read 3* Aug 1
1. Read 1* (Lord Thurlow) Aug 2 (No. 196)
Read 2* Aug 8
Committee *; Report Aug 9
Read 3* Aug 11

PUGH, Mr. L. P., Cardiganshire

Supply—Local Government Board, &c. 581
Woods, Forests, &c. Amendt. 644, 652

PULESTON, Mr. J. H., Devonport

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Navy and Dockyard Officers, 1134
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Continuous Brakes, Question, Mr. Lea; Answer, Mr. Chamberlain Aug 11, 1893
The Blackburn Railway Accident, Question, Mr. Briggs; Answer, Mr. Chamberlain Aug 9, 1387

RAMSAY, Mr. J., Falkirk, &c.

Parliament—Public Business—Ministerial Statement, 378
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RATHBONE, Mr. W., Carnarvonshire

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Science and Art Department, South Kensington, &c.—Case of Mr. Goffin, Head Master, 1294

REDESDALE, Earl of (Chairman of Committees)

Drainage (Ireland) Provisional Order, Res. 1878, 1879, 1880
Ecclesiastical Courts Regulation, Comm. 1505
Land Law (Ireland), Report, cl. 8, 1173
Leases for Schools (Ireland), 2R. 1373
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REDMOND, Mr. J. E., New Ross

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Ireland, State of—Conduct of Soldiers, 1909
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Ireland, State of—The Magistracy—Mr. Clifford Lloyd, R.M. Res. 1129
Land Law (Ireland), Lords Amendts. Consid. 1579, 1604, 1627
Supply—Lord Lieutenant of Ireland, &c. 763

REED, Sir E. J., Cardiff

Japan—Treaty Revision, 844

Reformatory Institutions (Ireland) Bill

(*The Lord Emly*)

1. Read 3* July 28 (No. 173)
Royal Assent Aug 11 [44 & 45 Vict. c. 29]

Regulation of the Forces Bill

(*Mr. Secretary Childers, The Judge Advocate General, Mr. Campbell-Bannerman*)

- c. Committee; Report, after short debate Aug 1, 440 [Bill 193]
Consideration, as amended, deferred, after short debate Aug 5, 1100
Consideration, as amended, deferred, after short debate Aug 8, 1312
Consideration, as amended, deferred Aug 12, 1817

Removal Terms (Scotland) Bill—afterwards**Removal Terms (Burghs) (Scotland) Bill**

(*The Earl of Camperdown*)

1. Read 2*, after short debate July 28, 14
Committee * Aug 4 (No. 184)
Report * Aug 5 (No. 205)
Read 3* Aug 8
c. Lords Amendts. considered, and agreed to, after short debate Aug 9, 1404

RICHARD, Mr. H., *Merthyr Tydfil*
Channel Islands—The Island of Guernsey and the Burial Act, 364
India—Berar—Sir Richard Meade and Sir Salar Jung, 1526
Supply—Education, England and Wales, 1306

RICHARDSON, Mr. J. N., *Armagh Co.*
Land Law (Ireland), Lords Amendts. Consid. 1436

RICHMOND AND GORDON, Duke of
Land Law (Ireland), Comm. cl. 4, 789

RITCHIE, Captain O. T., *Tower Hamlets*
Army Estimates—Militia and Militia Reserve, 889
Commercial Treaty with France (Negotiations), 1541
French Commercial Treaty, Motion for an Address, 1728, 1733, 1748, 1749, 1789, 1802
Law and Police—Speech of Mrs. Besant at the Hall of Science, 1385

River Thames—Life-Preserving Apparatus on Passenger Steamers
Question, Baron Henry De Worms; Answer, Mr. Chamberlain Aug 11, 1522

Rivers Conservancy and Floods Prevention (re-committed) Bill [H.L.] (Mr. Dodson)
c. Questions, Mr. Heneage, Mr. Arthur Arnold; Answers, Mr. Gladstone July 28, 35
Bill withdrawn * Aug 1 [Bill 190]
l. Question, The Earl of Sandwich; Answer, Earl Spencer Aug 9, 1845

ROGERS, Mr. J. E. Thorold, *Southwark*
Parliament—Rules and Orders—The Bradlaugh Petitions, 1109
Supply—British Museum, 1338
Chancery Division of the High Court of Justice, &c. 1059
Charity Commission for England and Wales, 218
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ROSEBURY, Earl of
Land Law (Ireland), Comm. cl. 7, 806
Supply—Science and Art Department, &c. 1331

ROSSE, Earl of
Land Law (Ireland), Comm. cl. 34, Amendt. 933

ROUND, Mr. J., *Essex, E.*
Army—Auxiliary Forces—Militia Adjutants, 559
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Army Estimates—Militia and Militia Reserve, 895
Wild Birds Protection Act (1880) Amendment, Consid. cl. 2, Amendt. 891

Royal Parks, &c.—Windsor Park
Amendt. on Committee of Supply July 28, To leave out from "That," and add "in the opinion of this House, it is desirable that the charge of Windsor Park be transferred from the Commissioners of Woods, Forests, and Land Revenues to the Commissioners of Her Majesty's Works and Public Buildings" (Mr. Arthur Arnold) v., 67; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

Royal University of Ireland Bill [H.L.]
(The Lord Privy Seal)

l. Presented; read 1st * Aug 2 (No. 194)
Read 2^d, after short debate Aug 5, 922
Committee *; Report Aug 8
Read 3rd * Aug 9
c. Read 1st * (Mr. W. E. Forster) Aug 9
Moved, "That the Bill be now read 2^d"
Aug 15, 1999
Moved, "That the Debate be now adjourned" (Mr. T. P. O'Connor); after short debate, Question put, and negatived; main Question put, and agreed to; Bill read 2^d [Bill 247]

RUSSELL, Mr. O., *Dundalk*
Land Law (Ireland), Lords Amendts. Consid. 1459, 1479, 1553, 1602, 1607; Lords Reasons and Amendts. Consid. 1946, 1954, 1962, 1970, 1972, 1992
Royal University of Ireland, 2R. 2000

RUSSELL, Mr. G. W. E., *Aylesbury*
Land Law (Ireland), 3R. 147

Russia, Foreign Jews in—Expulsion of Mr. L. Lewisohn, a Naturalized British Subject
Questions, Baron Henry De Worms; Answers, Sir Charles W. Dilke Aug 4, 839; Aug 15, 1927

Russia in Central Asia
Observations, Mr. Ashmead-Bartlett; Reply, The Marquess of Hartington; short debate thereon Aug 1, 410
Russian Advances, Questions, Mr. E. Stanhope, Viscount Sandon; Answers, Sir Charles W. Dilke Aug 9, 1378; Question, Mr. E. Stanhope; Answer, Sir Charles W. Dilke Aug 12, 1713

RYLANDS, Mr. P., *Burnley*
Bills of Exchange, 2R. 1462
Land Law (Ireland), Lords Amendts. Consid. 1410
Supply—Board of Trade, 99
Broadmoor Criminal Lunatic Asylum, 1087, 1089
Chancery Division of the High Court of Justice, &c. 1064
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SALISBURY, Marquess of

Army—Auxiliary Forces—Militia—Memorandum of June, 1881, 1876, 1877

Cottiers and Cottars (Dwellings), 2R. 7

Drainage (Ireland) Provisional Order, Res. 1879

Ecclesiastical Courts Regulation, 2R. 1864

Land Law (Ireland), 115; 2R. 254, 271; Comm. *cl.* 1, 767, 771, 775, 777, 785; *cl.* 4, 792; Amendt. 794, 795, 797, 799; *cl.* 5, 801; *cl.* 7, Amendt. 804, 806, 808, 813, 816, 817, 818, 819, 923, 924, 932, 937, 940; *cl.* 12, 946; *cl.* 14, 949; *cl.* 18, 957; *cl.* 19, 967, 973; *cl.* 23, 979; *cl.* 31, 982, 983; *cl.* 44, 984, 985; *cl.* 53, 986; *cl.* 57, Amendt. *ib.*; Report, 1170; *cl.* 8, 1174; *cl.* 21, 1175; *cl.* 31, 1178; *cl.* 57, Amendt. 1180; Commons Amendts. to Lords Amendts. Consid. Amendt. 1642, 1645, 1648, 1649, 1655, 1666, 1668, 1669, 1672, 1676, 1676, 1687, 1690, 1691, 1695, 1698, 1701, 1703, 1704, 1705

Leases for Schools (Ireland), 2R. 1373

SAMUELSON, Mr. H. B., Frome

Parliament—Privilege—Mr. Bradlaugh, Res. 716

SANDON, Right Hon. Viscount, Liverpool

Asia (Central)—Russian Advances, 1879

Commercial Treaty with France (Negotiations), 124, 1539, 1540

France—New French General Tariff, 1837

French Commercial Treaty, Motion for an Address, 1749

Supply—Board of Trade, 84, 87, 88, 92
Education, England and Wales, 1800

SANDWICH, Earl of

Army—Auxiliary Forces—The Militia—Memorandum of June, 1881, 1874

Rivers Conservancy and Floods Prevention, 1345

SCHREIBER, Mr. C., Poole

Post Office—Metropolitan Letter Carriers, 822

Science and Art

South Kensington Museum—The Plane Tree, Question, Mr. Mitchell Henry; Answer, Mr. Shaw Lefevre Aug 5, 992

Science and Art Department, South Kensington—United Westminster Schools of Art—Case of Mr. Goffin, the Head Master, Observations, Lord George Hamilton; long debate thereon Aug 8, 1266

Science and Art—Art and Industrial Museums

Amendt. on Committee of Supply Aug 8, To leave out from "That," and add "in the opinion of this House, grants in aid of Art and Industrial Museums should not be confined to London, Edinburgh, and Dublin" (*Mr. Jesse Collings*) *v.*, 1286; Question proposed, "That the words, &c.;" after debate, (Question put; A. 48, N. 85; M. 37 (D. L. 360)

Scotland—High Court of Justice—The Court of Session

Question, Mr. Dalrymple; Answer, Mr. Gladstone Aug 1, 368

Scotland—Ministers Stipends, &c.

Moved an Address for, "Return for each county in Scotland of the name of every parish in which an augmentation was made of ministers stipend and of allowances for communion elements respectively during the period that has elapsed since the 20th March 1876; also the name of each parish in which there are unexhausted teinds, and the amount applicable to the augmentation of ministers stipend, &c. in each such parish (in continuation of former Return, No. 242, 1876)" (*The Earl of Minto*) July 29, 103; after short debate, Motion agreed to

Seed Supply and other Acts (Ireland) Amendment Bill

(*The Lord Carlingford*)

l. Committee^a; Report July 28 (No. 177)

Read 3^a July 29

Royal Assent Aug 11 [44 & 45 Vict. c. 28]

SEXTON, Mr. T., Sligo

Ireland—Protection of Person and Property Act, 1881—Prisoners under the Act, 367

SHAFTESBURY, Earl of

Ecclesiastical Courts Regulation, Comm. *add.* *cl.* 1507

SHAW, Mr. W., Cork Co.

Land Law (Ireland), 3R. 137, 173; Lords Amendts. Consid. 1481, 1558; Lords Reasons and Amendts. Consid. 1965

Shop Hours Regulation Bill [H.L.]

(*The Earl Stanhope*)

l. Presented; read 1^a Aug 1 (No. 191)

SLAGG, Mr. J., Manchester

Art and Industrial Museums, Res. 1244

SMITH, Right Hon. W. H., Westminster

Land Law (Ireland), 3R. Amendt. 133; Lords Amendts. Consid. 1424, 1436, 1472, 1477, 1489; Lords Reasons and Amendts. Consid. 1971

Navy—H.M.S. "Atalanta," 1859

Navy (Sobriety), Res. 1834

Parliament—Public Business, 1209, 1726

Post Office—Telephone Posts and Wires, 1712

Solent Navigation Bill

(*Mr. Ashley, Mr. Chamberlain, Mr. Trevelyan*)

c. Read 2^a Aug 8 [Bill 207]

Moved, "That the Order for going into Committee upon the said Bill be discharged"

Aug 15, 2015; Question put, and agreed to

Moved, "That the Bill be referred to a Select Committee, consisting of Five Members, Three to be nominated by the House, and Two by the Committee of Selection;" Question put, and agreed to

Solent Navigation Bill—cont.

Ordered, That all Petitions against the Bill be referred to the Committee

Ordered, That Petitioners praying to be heard by Counsel or Agents be heard against the Bill, and that Counsel be heard in support of the Bill

Ordered, That the Committee have power to send for persons, papers, and records; Three to be the quorum

Solent Navigation [Expenses]

c. Considered in Committee Aug 11, 1839
Resolution reported Aug 12

SOLICITOR GENERAL, The (Sir FARRE HERSCHELL), Durham

Land Law (Ireland), Lords Amendts. Consid. 1405, 1407, 1413, 1434, 1473, 1556, 1598, 1626; Lords Reasons and Amendts. Consid. 1949, 1963, 1972

Petroleum (Hawking), Consid. 1821
Supply—Criminal Prosecutions, 1053
Land Registry, 1070
Public Prosecutor's Office, 1048

SOMERSET, Duke of

Land Law (Ireland), Comm. cl. 7, 934
Patriotic Fund, 2R. 11

Spain—The Zamora Waterworks

Question, Mr. J. R. Yorke; Answer, Sir Charles W. Dilke Aug 8, 1895

SPEAKER, The (Right Hon. H. B. W. BRAND), Cambridgeshire

Art and Industrial Museums, Res. 1249

Education Department—Revised Code—Departmental Statement, 1210

Ireland, State of—The Magistracy—Mr. Clifford Lloyd, R.M. Res. 1122, 1129, 1131

Land Law (Ireland)—The Lords Amendts. 1931

Land Law (Ireland), Consid. cl. 44, 42; cl. 47, 48; 3R. 178, 187, 188, 190, 191; Lords Amendts. Consid. 1390, 1408, 1409, 1440, 1443, 1444, 1446, 1448, 1449, 1450, 1470, 1471, 1494, 1497, 1560, 1575, 1602, 1615, 1620, 1631, 1622, 1633, 1634; Lords Reasons and Amendts. Consid. 1932, 1950, 1959, 1974, 1981, 1991, 1998

Navy—H.M.S. "Atalanta," 1861

Parliament—Miscellaneous Questions

Order—Suspension of Mr. O'Kelly, 866

Privilege—Mr. Bradlaugh—New Writ for Northampton, 852

Public Business, Ministerial Statement, 374, 385, 388, 389, 390, 391, 393, 396

Rules and Orders—The Bradlaugh Petitions, 1109

Parliament—Privilege—Mr. Bradlaugh, Res. 696, 697, 698, 701, 704, 706, 708, 710, 711, 716, 718, 719

Parliamentary Oath—Mr. Bradlaugh, 1208, 1209

Removal Terms (Burghs) (Scotland), Lords Amendts. Consid. 1464

Royal University of Ireland, 2R. 1999

SPEAKER, The—cont.

Solent Navigation [Expenses], 1639

Statute Law Revision and Civil Procedure, Comm. 2016

Whiteboy Act Repeal, 2R. 1105

SPENCER, Earl (Lord President of the Council)

Education Department—Revised Code—Departmental Statement, 1511

Land Law (Ireland), 2R. 347; Comm. cl. 4, 792, 793; Commons Amendts. to Lords Amendts. Consid. 1672, 1675, 1689, 1701

Rivers Conservancy and Floods Prevention, 1346

Universities of Oxford and Cambridge (Statutes), 9

STANHOPE, Earl

Land Law (Ireland), Comm. cl. 19, 962

STANHOPE, Hon. E., Lincolnshire, Mid.

Asia (Central)—Russian Advances, 1378, 1713

India—Afghanistan—Defeat of the Ameer's Forces, 129

Supply—Board of Trade, 83

STANLEY, Right Hon. Colonel F. A., Lancashire, N.

India—Afghanistan—Defeat of the Ameer's Forces, 129

STANLEY, Hon. E. L., Oldham

India—Straits Settlements—Malay Chiefs, 1387

Royal University of Ireland, 2R. 2002

Supply—Diplomatic Services, 1146

Education, England and Wales, 1313

STANLEY OF ALDERLEY, Lord

Ceylon—Ecclesiastical Subsidies, 1881

Cottiers and Cottars (Dwellings), 2R. 8

Land Law (Ireland), 2R. 347; Comm. cl. 7, Amendt. 941; cl. 16, 954; cl. 17, Amendt. id.; Report, 1171

Turkey—Midhat Pasha—Fulfilment of Sentence, 113

Statute Law Revision and Civil Procedure Bill [H.L.]

(Mr. Attorney General)

c. Committee deferred; after short debate Aug 15, 2015 [Bill 219]

STEWART, Mr. J., Greenock

Removal Terms (Burghs) (Scotland), Lords Amendts. Consid. 1464

STOREY, Mr. S., Sunderland

Land Law (Ireland), Lords Amendts. Consid. 1610, 1619, 1620, 1621; Lords Reasons and Amendts. Consid. 1977

STORY-MASKELYNE, Mr. M. H. N., Crick-lade

Art and Industrial Museums, Res. 1249

Supply—British Museum, 1339

Science and Art Department, &c. 1335

STRATHEDEN AND CAMPBELL, Lord

Tunis, Res. 1902

Turkey—Midhat Pasha—Fulfilment of Sentence, 113

STRATHNAIRN, Lord

Army—Auxiliary Forces—Militia—Memorandum of June, 1881, 1377

STUART, Mr. H. VILLIERS-, *Waterford Co.*

Irish Fisheries, Res. 198

SULLIVAN, Mr. A. M., *Meath*

Ireland—Evictions—James Killen, Cardentown, Co. Meath, 19, 20

Land Law (Ireland), *Consid. cl.* 50, 57; Lords Amendments, *Consid.* 1419, 1446, 1450, 1579, 1583, 1595, 1599, 1605, 1612, 1627

Weights and Measures Act, 1878—Decimal System, 360

SULLIVAN, Mr. T. D., *Westmeath*Land Law (Ireland), *Consid. cl.* 51, 58; Lords Amendments, *Consid.* 1395, 1418, 1449, 1557, 1617**Summary Procedure (Scotland) Amendment Bill [H.L.]***(The Lord Advocate)*c. Committee; Report July 28, 101 [Bill 216]
Considered*; read 3^o Aug 1

l. Royal Assent Aug 11 [44 & 45 Vict. c. 38]

Superannuation Act (Post Office and Works) Bill*(Lord Frederick Cavendish, Mr. John Holmes)*c. Read 2^o* July 29 [Bill 228]Committee*; Report Aug 1
Considered*; read 3^o Aug 2l. Read 1^o* *(Lord Thurlow)* Aug 4 (No. 203)Read 2^o* Aug 9

Committee*; Report Aug 11

Read 3^o* Aug 12**SUPPLY**

Considered in Committee July 28, 73—CIVIL SERVICE ESTIMATES—CLASS II.—SALARIES AND EXPENSES OF CIVIL DEPARTMENTS, Votes 6 to 9;—Committee—R.P.

Resolutions reported July 29

Considered in Committee July 29, 200—CIVIL SERVICE ESTIMATES—CLASS II.—SALARIES AND EXPENSES OF CIVIL DEPARTMENTS, Votes 10 to 15;—Committee—R.P.

Resolutions reported Aug 1

Considered in Committee Aug 2, 569—CIVIL SERVICE ESTIMATES—CLASS II.—SALARIES AND EXPENSES OF CIVIL DEPARTMENTS, Votes 16 to 28

Resolutions reported Aug 3

Considered in Committee Aug 3, 735—CIVIL SERVICE ESTIMATES—CLASS II.—SALARIES AND EXPENSES OF CIVIL DEPARTMENTS, Votes 29 to 33

Resolutions reported Aug 4

Considered in Committee Aug 4, 871—ARMY ESTIMATES, Votes 2 to 12

SUPPLY—cont.

Resolutions reported Aug 5

Considered in Committee Aug 5, 1028—ARMY ESTIMATES, Votes 13 to 25—CIVIL SERVICES CLASS III.—LAW AND JUSTICE, Votes 1 to 23

Resolutions reported Aug 6

Considered in Committee Aug 6, 1138—NAVY ESTIMATES, Votes 15 and 16—CIVIL SERVICES—CLASS V.—FOREIGN AND COLONIAL SERVICES, Votes 1 to 8—CLASS VI.—NON-EFFECTIVE AND CHARITABLE SERVICES, Votes 1 to 6, 8 and 9—CLASS VII.—MISCELLANEOUS, Votes 1 and 2—REVENUE DEPARTMENTS, Votes 1, 2, and 4

Resolutions reported Aug 8, 1344

Resolutions 1 to 18 agreed to

Res. 19, £19,883, Salaries and Incidental Expenses of Temporary Commissions and Committees, including Special Inquiries; after short debate, Resolution agreed to

Remaining Resolutions agreed to

Considered in Committee Aug 8, 1300—CIVIL SERVICES—CLASS IV.—EDUCATION, SCIENCE, AND ART, Votes 1 to 3, and 10

Resolutions reported Aug 9

Supreme Court of Judicature Bill [H.L.]*(Mr. Attorney General)*c. 2R. deferred, after short debate Aug 12, 1818
[Bill 227]**SYNAN, Mr. E. J., *Limerick Co.***Land Law (Ireland), Lords Amendments, *Consid.* 1439, 1558**TALBOT, Mr. J. G., *Oxford University***

Education Department—Revised Code, 1881, 1724

Merchant Shipping Acts—Emigrant Ships, 1381

Supply—Board of Trade, 89

Charity Commission for England and Wales, 213, 214

Education, England and Wales, 1309

Local Government Board, &c. 222, 576

TALBOT DE MALAHIDE, LordLand Law (Ireland), *Comm. cl.* 19, 975**TEMPLETOWN, Viscount**Land Law (Ireland), *Comm. cl.* 7, 983**THOMASSON, Mr. J. P., *Bolton***

Parliamentary Oath, 1539

Petroleum (Hawking), *Comm. cl.* 2, Amendment, 229, 230, 232Wild Birds Protection Act (1880) Amendment, *Comm. cl.* 1, 450; *Consid. add. cl.* 690**THURLOW, Lord**

Customs Department—Officers at Outports, 1706

Drainage (Ireland) Provisional Order, Res. 1878, 1879

Metropolitan Board of Works (Money), 2R. 1365; *Comm. cl.* 14, 1510**TORRENS, Mr. W. T. M'C., *Finsbury***

Supply—Record Office, 835

[cont.]

TOTTENHAM, Mr. A. L., *Leitrim*

Land Law (Ireland), Lords Amends. Consid.
1430
Parliament — Order — Suspension of Mr.
O'Kelly, 875

Trade and Commerce

British Commercial Treaty Engagements,
Question, Mr. Jackson; Answer, Sir Charles
W. Dilke Aug 1, 387

The Spanish Custom House, Question, Mr.
O'Shea; Answer, Sir Charles W. Dilke
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Treaty Engagements, Questions, Sir H. Drum-
mond Wolff, Mr. Newdegate; Answers, Mr.
Gladstone July 28, 32

Japan—Treaty Revision, Question, Sir Edward
Reed; Answer, Sir Charles W. Dilke Aug 4,
844

[See *France, Commercial Treaty with*
(*Negotiations*); *New French General*
Tariff]

**Tramways Orders Confirmation (No. 2)
Bill**

1. Royal Assent Aug 11 [44 & 45 Vict. c. clxiii]

**Tramways Orders Confirmation (No. 3)
Bill**

1. Royal Assent Aug 11 [44 & 45 Vict. c. clxiv]

**TREVELYAN, Mr. G. O. (Secretary to the
Admiralty), *Hawick, &c.***

Arctic Exploration—North Pole—Commander
Cheyne's Expedition, 1923

Islands of the Pacific — Jurisdiction of the
High Commissioner of Polynesia, 1022, 1027

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Coastguard Service, 26

Disasters to the Shetland Fishermen, 122

H.M.S. "Atalanta," 1861

H.M.S. "Indefatigable," 844

Navy and Dockyard Officers, 1135, 1138

Officers on Leave, 1720

Position of Navigating and Warrant Officers,
1931

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Torpedo Boats, 844

Navy (Cadets), Res. 725

Navy (Society), Res. 1827

Navy Estimates—Military Pay and Allowances,
1139, 1140

Trinidad—Outbreak of Malarial Fever

Question, Mr. Anderson; Answer, Sir Charles
W. Dilke Aug 4, 847

Tripoli—Consular Jurisdiction

Question, Mr. Hinde Palmer; Answer, Sir
Charles W. Dilke Aug 9, 1378

Tunis—The *Enfida* Case

Question, The Earl of Beattie; Answer, Sir
Charles W. Dilke Aug 4, 845

Tunis

Moved to resolve, "That, in the opinion of
this House, any interference with the integ-
rity of the Ottoman Empire in North

Tunis—cont.

Africa is likely to prove dangerous to the
peace of Europe" (*The Earl of Dunraven*)
Aug 15, 1890; after debate, Motion with-
drawn

[See title *France and Tunis*]

Turkey

Finance, &c.—*Turkish Bondholders*, Question,
Mr. Buxton; Answer, Sir Charles W. Dilke
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Midhat Pasha—Fulfilment of Sentence, Ques-
tion, Observations, Lord Stratheden and
Campbell, Lord Stanley of Alderley; Reply,
The Earl of Kimberley July 29, 113

Turnpike Acts Continuance Bill

(*The Lord Carington*)

1. Read 2^d July 28 (No. 170)
Committee*; Report July 29
Read 3^d Aug 1
Royal Assent Aug 11 [44 & 45 Vict. c. 31]

TYLER, Sir H. W., *Harwich*

Africa (South)—The Transvaal—Convention of
the Boers, 694

Murder of Captain Elliot and Mr. Malcolm,
127

Army Estimates—Military Education, 1030

Criminal Law—Case of Edmund Galley, 1017

India—Afghanistan—Miscellaneous Questions
British Assistance to the Ameer of Cabul,
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Land Law (Ireland), 3R. 177; Lords Amends.
Consid. 1560, 1577

Law and Police—Practice of Carrying Fire-
arms, 117

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702

United States of America

Consular Convention, Questions, Mr. Gourley;
Answers, Mr. Evelyn Ashley Aug 8, 1197

Reports of the Department of Agriculture,
Observations, Mr. R. H. Paget; Reply, Sir
Charles W. Dilke Aug 4, 824

**Universities of Oxford and Cambridge
(Statutes) Bill [H.L.]**

(*The Lord President*)

1. Read 2^d July 28, 9 (No. 178)
Committee*; Report July 29
Read 3^d Aug 1
c. Read 1st (Sir William Harcourt) Aug 6
[Bill 241]
2R. deferred, after short debate Aug 15, 2011

**Universities (Scotland) Registration of
Parliamentary Voters, &c. Bill [H.L.]**

(*The Lord Watson*)

1. Report* July 28 (No. 173)
Read 3^d Aug 29
c. Read 1st Aug 1 [Bill 232]
Read 2^d, after short debate Aug 4, 913
Committee*; Report; read 3^d Aug 9

Vaccination—French Soldiers in Africa
Question, Mr. Blennerhassett; Answer, Mr. Dodson Aug 9, 1885

Vaccination Act, 1867—Awards to Public Vaccinators
Question, Mr. Burt; Answer, Mr. Dodson Aug 8, 1890

VENTRY, Lord
Land Law (Ireland), Comm. cl. 7, Amendt. 812, 820
Leases for Schools (Ireland), 2R. 1373

VERNEY, Sir H., Buckingham
Army Estimates—Medical Establishments and Services, 880
Militia and Militia Reserve, 884

WALPOLE, Right Hon. Spencer H., Cambridge University
Supply—British Museum, 1337

WARTON, Mr. C. N., Bridport
Conveyancing and Law of Property, Comm. cl. 31, Amendt. 1106
Corrupt Practices (Suspension of Elections), 2R. 916; Comm. 1101; Schedule, ib.; Preamble, Amendt. 1103, 1104; 3R. ib.
Criminal Law—Case of Edmund Galley, 1016
Ireland—Crops in Munster—Harvest Labour, 848
Ireland, State of—The Magistracy—Mr. Clifford Lloyd, R.M., Res. 1127, 1128
Irish Church Act Amendment, 2R. 913
Land Law (Ireland), 3R. 176; Lords Amendts. Consid. 1404, 1545, 1540; Lords Reasons and Amendts. Consid. 1954, 1968; Amendt. 1974, 1988
National Debt, 3R. 1818
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Petroleum (Hawking), Comm. cl. 2, 233, 234, 235; Motion for reporting Progress, 688; Consid. 1820
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Regulation of the Forces, Comm. cl. 37, 447
Removal Terms (Burghs) (Scotland), Lords Amendts. Consid. 1464, 1465
Science and Art Department, South Kensington, &c.—Case of Mr. Goffin, Head Master, 1280
Supply—Criminal Prosecutions, 1052, 1053
Law Charges, 1047
Patent Office, 620
Public Prosecutor's Office, 1047, 1050
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Water Provisional Orders Bill
(*The Earl of Dalhousie*)
l. Royal Assent Aug 11 [44 & 45 Vict. c. clxv]

WATERFORD, Marquess of
Land Law (Ireland), 2R. 305; Comm. cl. 1, 772, 773; cl. 4, Amendt. 788, 789, 791, 792, 793; cl. 7, 819, 820, 935; cl. 12, Amendt. 945; cl. 16, 953; Commons Amendts. to Lords Amendts. Consid. Amendt. 1663, 1665, 1667, 1668, 1681, 1699

WATERLOW, Sir S. H., Gravesend
Science and Art Department, South Kensington, &c.—Case of Mr. Goffin, Head Master, 1282, 1283

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Removal Terms (Scotland), 2R. 14

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Cottiers and Cottars (Dwellings), 2R. 2, 6, 8
Land Law (Ireland), 2R. 507; Comm. cl. 1, Amendt. 766; cl. 4, 797; cl. 7, 928; Report, cl. 31, 1177; Commons Amendts. to Lords Amendts. Consid. 1652
Patriotic Fund, 2R. 13

WAYS AND MEANS

MISCELLANEOUS QUESTIONS

Inland Revenue—Officers of the Excise Branch,
Question, Mr. Puleston; Answer, Lord Frederick Cavendish Aug 9, 1884;—*The Colclough Stamp Frauds*, Questions, Mr. Healy; Answers, Lord Frederick Cavendish Aug 11, 1924; Aug 15, 1923

Terminable Annuities—Legislation, Question, Mr. Anderson; Answer, Mr. Gladstone Aug 1, 1873

Terminable Annuities Bill, Questions, Mr. Hubbard, Sir Stafford Northcote; Answers, Mr. Gladstone Aug 4, 849

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Resolved, That, towards making good the Supply granted to Her Majesty for the Service of the year ending on the 31st day of March 1882, the sum of £21,695,712, be granted out of the Consolidated Fund of the United Kingdom Aug 8
Resolution reported Aug 9

WEBSTER, Mr. J., Aberdeen
Merchant Seamen's Pensions, Res. 398
Supply—Board of Lunacy in Scotland, 749
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WEDDERBURN, Sir D., Haddington Burghs
Education Department—"Examiners," 1721
India—Law and Justice—Case of Jadhavrai Harishankar, 823
Wild Birds Protection Act (1880) Amendment, Consid. add. cl. 689

Weights and Measures Act, 1878—The Decimal System
Question, Mr. A. M. Sullivan; Answer, Mr. Chamberlain Aug 1, 360

West Indies

MISCELLANEOUS QUESTIONS

Demerara—Defalcations in the Administrator General's Department, Question, Mr. Errington; Answer, Mr. Courtney Aug 11, 1541

Jamaica—The Civil Service Inquiry, Question, Mr. Errington; Answer, Mr. Courtney Aug 11, 1542

The Bahamas—Finance, Question, Mr. Anderson; Answer, Mr. Courtney Aug 11, 1523

Whiteboy Acts Repeal Bill

(*Mr. T. P. O'Connor, Mr. Justin M'Carthy, Mr. Gray, Mr. A. M. Sullivan*) [Bill 134]

- c. Moved, "That the Second Reading of the Bill be deferred till Saturday" *Aug 5*, 1104
After short debate, Amendt. to leave out "Saturday," and insert "Monday" (*Mr. R. N. Fowler*); Question proposed, "That 'Saturday' stand part of the Question;" Question put, and negatived
Original Question, as amended, put, and agreed to; 2R. deferred till Monday

WHITLEY, Mr. E., *Liverpool*

Bills of Exchange, 2R. 1463
Irish Church Act Amendment, 2R. 913, 914
Pedlars (Certificates), Comm. 1820
Petroleum (Hawking), Comm. *cl. 2*, 681; *cl. 6*, 688

WIGGIN, Mr. H., *Staffordshire, E.*

Art and Industrial Museums, Res. 1254

Wild Birds Protection Act, 1880, Amendment Bill [H.L.]

(*Mr. Courtney*)

- c. Read 2^o *July 28*, 102 [Bill 226]
Committee; Report *Aug 1*, 449
Considered; read 3^o, after short debate *Aug 2*, 689

WILLIAMSON, Mr. S., *St. Andrews, go.*

French Commercial Treaty, Motion for an Address, 1777
Navy (Sobriety), Res. 1826
Supply—Queen's and Lord Treasurer's Remembrancer in Exchequer, Scotland, &c. 740

WILMOT, Sir J. E., *Warwickshire, S.*

Criminal Law—Case of Edmund Galley, 1005, 1013, 1924

WOLFF, Sir H. D., *Portsmouth*

Admiralty—First Lord of the Admiralty, 1718
Army—Pensioners of the Royal Marines, 1195
Criminal Law—Case of Edmund Galley, 1016
France and Tunis (Political Affairs), 1926
India (Army)—Colonel Burrows, 1383
Pensions for Eminent Services—Sir Frederick Roberts, 130, 132
Navy—H.M.S. "Atalanta," 1851
Navy and Dockyard Officers, 1133
Navy Estimates—Half-Pay, Reserved Half-Pay, &c. to Officers of Navy and Marines, 1138, 1139
Military Pensions and Allowances, 1141
Parliament—Public Business, 1726
Supply—Board of Trade, 90
Colonial Office, 76
Consular Establishments Abroad, &c. 1157, 1158, 1160
Diplomatic Services, 1143, 1144
Trade and Commerce—Treaty Engagements, 32, 33

WOODALL, Mr. W., *Stoke-on-Trent*

Art and Industrial Museums, Res. 1264, 1265
Supply—Education, England and Wales, 1327

YORKE, Mr. J. R., *Gloucestershire, E.*

Spain—The Zamora Water Works, 1195

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